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IN THE

Supreme Court of the United States

OCTOBER TERM, 1960.

No. 11

RAYMOND P. GALLAGHER, Chief of Police of the City of Springfield, Massachusetts, et al., *Appellants*,

v.

CROWN KOSHER SUPER MARKET OF MASSACHUSETTS, INC., ET AL., *Appellees*.

On Appeal From the United States District Court for the District of Massachusetts

STATUTE APPENDIX TO BRIEF FOR THE GENERAL CONFERENCE OF SEVENTH-DAY ADVENTISTS, AMICUS CURIAE

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STATUTE APPENDIX TO BRIEF FOR THE GENERAL CONFERENCE OF SEVENTH-DAY ADVENTISTS, AMICUS CURIAE

Included in this Statute Appendix are all state Sunday laws that require closing of shops or refraining from labor or other activities on that day. Space considerations have precluded inclusion of isolated statutes prohibiting or regulating specific activities such as barbering, boxing, sale or delivery of liquor, service of process, or merely declaring Sunday to be a legal holiday.

Alabama

ALA. CODE tit. 14 §§ 420-22 (1958):

§ 420. *Certain acts prohibited on Sunday; punishment.*—Any person who compels his child, apprentice, or servant to perform any labor on Sunday, except the customary domestic duties of daily necessity or comfort, or works of charity or who engages in shooting, hunting, gaming, card playing or racing on that day, or who, being a merchant or shopkeeper, druggist excepted, keeps open store on Sunday, shall be fined not less than ten nor more than one hundred dollars, and may also be imprisoned in the county jail, or sentenced to hard labor for the county, for not more than three months. However, the provisions of this section shall not apply to the operation of railroads, stages, communications, public utilities or steamboats, or other vessels navigating the waters of this state, or to any manufacturing establishment which is required to be kept in constant operation, to the sale of gasoline or other motor fuels or motor oils. Nor shall this section prohibit the sale of newspapers, or the operation of newsstands, or automobile repair shops, florist shops, fruit stands, ice cream shops or parlors, lunch stands or restaurants, delicatessen or plants engaged in the manufacture or sale of ice, provided such business establishments are not operated in conjunction with some other kind or type of business which is prohibited by this section. It shall also be lawful to engage in motorcycle and automobile racing on Sunday, whether admission is charged or not, except that this proviso shall not be construed to prevent any municipality from passing ordinances prohibiting such racing on Sunday.

§ 421. *Sunday baseball, moving pictures, etc.*—Any person or persons who play or engage in the playing of any baseball, football, tennis, or golf on Sunday, in any public place or places where people resort for such purpose, shall be guilty of a misdemeanor, and shall be fined not less

than twenty-five dollars nor more fifty dollars. Provided, that it shall be lawful in cities whose population is not less than fifteen thousand inhabitants nor more than sixty thousand inhabitants, according to the last or any subsequent federal census, and within the police jurisdiction thereof, to engage in the playing of tennis, golf, and in operating moving picture shows on Sunday whether admission is charged or not. In any such city, the acts or any of them herein referred to may be prohibited by an ordinance passed by the governing body of such city. . . . Provided further, that it shall be lawful in cities of sixty thousand population, or more, according to the last, or any subsequent federal census, to play or engage in playing football, tennis, golf, and to operate moving picture shows and vaudeville on Sunday, whether admission is charged or not. In any such city the acts herein permitted may be prohibited by an ordinance passed by the governing body of such city. . . . Provided still further, that it shall be lawful to engage in motorcycle and automobile racing on Sunday, whether admission is charged or not, except that nothing herein shall be construed to prevent any municipality from passage of ordinances prohibiting such racing on Sunday. And provided further, it shall be lawful to engage in the playing of baseball on Sunday, whether admission is charged or not, but nothing herein shall be construed to prevent any municipality from the passage of ordinances prohibiting the playing of baseball on Sunday.

§ 422. *Holding Public markets and trading therein on Sunday.*—Any person who opens, or causes to be opened, for the purpose of selling or trading, any public market or place on Sunday, or opens, or causes to be opened, any stall or shop therein, or connected therewith, or brings anything for sale or barter to such market or place, or offers the same for sale therein on that day, or buys or sells therein on that day (including livestock or cattle), shall, on conviction, be punished as prescribed in section

420 of this title. Any place where people assemble for the purchase and sale of goods, wares, and merchandise, provisions, cattle, or other articles is a market house or place, within the meaning of this section.

Alaska

No comprehensive Sunday labor or closing law.

Arizona

No comprehensive Sunday labor or closing law.

Arkansas

ARK. STAT. ANN. (1947)

41-3806. *Persons not keeping Christian Sabbath partially excepted.*—No person who from religious belief keeps any other day than the first day of the week as the Sabbath shall be required to observe the first day of the week, usually called the Christian Sabbath, and shall not be liable to the penalties enacted against Sabbath breaking: Provided, That no store or saloon shall be kept open or business carried on therein on the Christian Sabbath; and Provided further, That no person so observing any other day shall disturb any religious congregation by his avocations or employments.

41-3807. *Horse racing or cock fighting—Penalty.*—Every person who shall, on the Christian Sabbath or Sunday, be engaged in (any horse race, or) the running of any single horse, for any bet, or wager on the speed of such horse or horses or for pastime, or for amusement without any bet or wager, or shall be engaged in any cock fight on any bet or wager, or for pastime, without bet or wager, shall be adjudged guilty of a misdemeanor, and on conviction, shall be fined in any sum not exceeding one hundred dollars [$100.00] nor less than twenty dollars [$20.00].

41-3808. *Horse racing or betting—Penalty.*—If any person shall be engaged in running a horse-race on the day

known as the Christian Sabbath or Sunday, on a bet or wager, or for sport or pastime, with or without such bet or wager, he shall be deemed guilty of a misdemeanor; and, on conviction thereof, shall be fined in any sum not less than twenty-five [$25.00] nor more than one hundred dollars [$100.00].

41-3809. *Playing cards—Penalty.*—Every person who shall, on the Christian Sabbath or Sunday, be engaged in any game of brag, bluff, poker, seven-up, three-up, twenty-one, vingtien, thirteen cards, the odd trick, forty-five, whist, or at any other game at cards known by any name now known to the laws, or with any other new name, for any bet or wager on such games, or for amusement, without any bet or wager, shall, on conviction thereof, be fined in any sum not less than twenty-five dollars [$25.00] nor more than fifty dollars [$50.00].

California

No comprehensive Sunday labor or closing law.

Colorado

COLO. REV. STAT. SECS. 13-20-1 to -3:

SEC. 13-20-2. (Supp. 1957) *Sunday closing.*—No person, firm or corporation, whether owner, proprietor, agent or employee, shall keep open, operate or assist in keeping open or operating any place or premises or residences whether open or closed, for the purpose of selling, bartering or exchanging, or offering for sale, barter or exchange, any motor vehicle or motor vehicles, whether new, used or second hand, on the first day of the week, commonly called Sunday; and provided, however, that this article shall not apply to the opening of an establishment or place of business on the said first day of the week for other purposes, such as the sale of petroleum products, tires, automobile accessories, or for the purpose of operating and conducting a motor vehicle repair shop, or for the purpose of supplying such services as towing or wrecking.

Connecticut

CONN. GEN. STAT. (1958) § 53-300 to -303:

Sec. 53-300 (Supp. 1959). *Work and recreation on Sunday.*—Any person who does, or requires an employee to do, any secular business or labor, except works of necessity or mercy, or, unless required by necessity or mercy, keeps open any shop, warehouse or manufacturing or mechanical establishment, or sells or exposes for sale any goods, wares or merchandise, or, except as hereinafter provided, engages in any sport, between the hours of twelve o'clock Saturday night and twelve o'clock Sunday night next following, shall be fined not more than fifty dollars. The provisions of this section shall not prohibit the making of emergency repairs to motor vehicles, motorcycles, motor boats and aircraft, including the furnishing of any labor or the sale of gasoline necessary to permit the same to proceed under their own power, nor the towing or washing of any such motor vehicles, motorcycles, motor boats or aircraft *nor prohibit the production or distribution of any newspaper or regularly published magazine.* The provisions of this section shall not affect the issue or service of any criminal complaint or any proceedings thereon, nor the issue or service of complaints for injunctions and orders thereon, nor the issue or service of any other civil process, except between sunrise and sunset on Sunday. The foregoing provisions of this section shall not apply to any amateur ball game or other outdoor game or sport by or between amateurs on Sunday; provided no admission fee shall be charged and the same shall be so conducted as not to interfere with public worship or disturb the reasonable comfort, quiet and peace of any person. The park commissioners or park committee of any town, city or borough are authorized to permit free concerts of music to be given, and amateur athletic sports to be engaged in, on Sunday, at stated places, in one or more of the public parks belonging to such town, city or borough, subject to such rules as the respective committee

or commissioners may adopt for the purpose of securing order and quiet conduct on the part of all who engage in such music or sports and also of all persons in attendance; provided only places shall be so designated where such music can be given or sport engaged in without disturbing the reasonable comfort, quiet and peace of any other person, and provided no game or sport shall be permitted in any tournament or for any admission fee or prize. Any person who is present at any concert of music, dancing or other public diversion on Sunday or on the evening thereof, except as permitted by this section, shall be fined not more than four dollars. The provisions of this section shall not affect the provisions of sections 7-164 to 7-168, inclusive, 27-35, 53-302 and 53-303. Any prosecution for the violation of any of the provisions of this section shall be brought within one month after the commission of the offense. The sale of dairy products, fresh eggs, fresh agricultural products, horticultural products, bakery products, fruit, ice, ice cream, confectionery, nonalcoholic beverages, tobacco in any form, smokers' supplies, antiques, newspapers and other periodicals, * * * *medical supplies* or supplies and repair parts for motor vehicles, motorcycles, motor boats and aircraft, by retail dealers whose places of business are open for the sale thereof on secular days, shall not be a violation of the provisions of this section.

Sec. 53-301 (1958). *Dealing in automobiles on Sunday.*— No person, firm or corporation engaged in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles shall open any place of business or lot wherein he attempts to or does engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles, or buy, sell, exchange, deal or trade in new or used motor vehicles as a business on Sunday. Any person who violates the provisions of this section shall be fined not more than fifty dollars for the first offense and not more than one hundred dollars for each subsequent offense. Any licensed motor vehicle dealer

who violates the provisions of this section shall, in addition to the fine provided herein, be subject to suspension of license as provided in section 14-64.

Sec. 53-302 (1958). *Employment of labor on Sunday.*—Except in cases of emergency, no person shall require or permit any employee engaged in any commercial occupation or in the work of any industrial process to do any work of his occupation on Sunday, unless such employee is relieved from work for one full regular working day during the six days next ensuing. This section shall not be construed as authorizing any work on Sunday not authorized by law; nor as applying to farm or personal service, to druggists, watchmen, superintendents or managers, janitors or persons engaged solely in transportation, nor to the sale or delivery of milk, food or newspapers, nor to such commercial occupations or industrial processes as by their nature are required to be continuous; nor as prohibiting the doing of necessary work of inspection, repair or care of any manufacturing or other plant or of any merchandise or stock on Sunday. Any person violating any provision of this section shall be fined not more than two hundred dollars for each offense.

Sec. 53-303 (1958). *Persons who observe Saturday excepted from Sunday law.*—No person who conscientiously believes that the seventh day of the week ought to be observed as the Sabbath, and actually refrains from secular business and labor on that day, or who conscientiously believes that the Sabbath begins at sundown on Friday night and ends at sundown on Saturday night, and actually refrains from secular business and labor during said period, and who has filed written notice of such belief with the prosecuting attorney of the court having jurisdiction, shall be liable to prosecution for performing secular business and labor on Sunday, provided he shall not disturb any other person who is attending public worship.

Delaware

DEL. CODE ANN. tit. 28, § 906 (1953), as amended (Supp. 1958):

§ 906. *Regulation of public entertainment on Sundays.*

(a) No person shall engage in, participate in, or attend, outside the corporate limits of any incorporated city or town of this State, any horse racing, public auction, public dance, public theatrical performance or public performances of motion pictures on Sunday except that this prohibition shall not apply to public performances of motion pictures, with or without sound, between the hours of twelve noon and 6 P.M. and between the hours of 8 P.M. and midnight in Kent County and Sussex County, and between the hours of 2 P.M. and midnight in New Castle County.

(b) No person shall engage in, participate in, or attend any of the activities mentioned in subsection (a) of this section within the limits of any incorporated city or town of this State with a population of less than 100,000 on Sunday before the hour of 12 noon and between the hours of 6 p.m. and 8 p.m. and within the limits of any incorporated city or town of this State with a population of more than 100,000 on Sunday before the hour of 2 p.m.

(c) The city or town council or other legislative body of any incorporated city or town may prohibit or regulate by ordinances or other legislative act any worldly activity other than those mentioned in subsection (a) of this section before 12 noon and between the hours of 6 p.m. and 8 p.m. on Sunday.

The city or town council or other legislative body of any incorporated city or town may prohibit or regulate any worldly activity on Sunday between the hours of noon and 6 p.m. and between the hours of 8 p.m. and midnight on Sunday.

(d) The term "theatrical performance" in this section does not include the reception of broadcast, radio or television programs or any lecture or musical concert.

(e) Whoever violates any provision of this section shall for the first offense be fined not less than $10 nor more than $50, or imprisoned not more than 10 days or both. For the second and each subsequent offense he shall be fined not less than $50 nor more than $250, or imprisoned for not more than 2 months, or both.

(f) Any justice of the peace of the county shall have jurisdiction and cognizance of the offenses mentioned in this section.

District of Columbia

D. C. CODE, (1951):

Sec. 1-226. *Regulations for protection of life, health and property.*

The Commissioners of the District of Columbia are hereby authorized and empowered to make and enforce all such reasonable and usual police regulations in addition to those already made under sections 1-224, 1-225, as they may deem necessary for the protection of lives, limbs, health, comfort and quiet of all persons and the protection of all property within the District of Columbia.

Police Regulations of the District of Columbia (1955) provide:

Article 2. *Licensed Vendors and Speakers on Streets and in Public Places.*

Section 1. * * *

* * * Nor shall any such [licensed street] vendor ply his trade or solicit custom upon any such places [highways or public places] between the hours of 10 p.m. and 7 a.m. nor on Sunday, or at any time so as to interfere with the traffic or cause annoyance to residents or passersby: * * *

Article 6. *Regulation of Loud Noises and Cries upon Streets and in Public Places.*

* * * * * * * * * * *

Section 4.

(d) * * * None of the said activities [circus, rodeo, carnival, fair, performance, singing, playing of musical or other instruments, dancing or amusement of any kind] shall be conducted on the secular days of the week after 11:30 p.m. nor on the first day of the week, commonly called Sunday, except between the hours of 2 p.m. and 11 p.m. * * *

* * * * * * * * * * *

Art. 17. *Places of Public Assembly.*

* * * * * * * * * * *

Sec. 18. No owner, proprietor, lessee, tenant, or other person shall on the first day of the week, commonly called Sunday, between the hours of 3 a.m. and 1 p.m. in any public place of amusement, theatre, or other building, or part thereof, permit, allow, or take part in any manner in any public exhibition of any entertainment, motion-picture show, play, opera, circus, animals, gymnastics, game, dance, or dances or vaudeville performances of any kind to which an admission fee is charged, directly or indirectly. * * *

* * * * * * * * * * *

Article 25. *Miscellaneous Regulations.*

* * * * * * * * * * *

Section 14. (a) No work nor labor of any kind shall be permitted on Sunday in the excavation, construction, erection, repair or demolition of any building in or within 200 feet of any residential section of the District of Columbia as defined in the zoning regulations, * * *.

Florida

FLA. STAT. ANN. (1959) §§ 855.01-07:

§ 855.01. *Following trade, etc., on Sunday.*

Whoever follows any pursuit, business or trade on Sunday, either by manual labor or with animal or mechanical.

power, unless the same be work of necessity, shall be punished by a fine not exceeding fifty dollars; provided, however, that nothing contained in the laws of Florida shall be so construed as to prohibit the preparation or printing between the hours of midnight Saturday and six in the morning, Sunday, of any newspaper intended to be circulated and sold on Sunday, or to prohibit the circulation and sale on Sunday of same, or to prohibit the circulation and sale on Sunday of any newspaper theretofore printed; provided nothing contained in this section shall apply to theaters in which moving pictures are shown.

§ 855.02. *Selling goods on Sunday.*

Whoever keeps open store or disposes of any wares, merchandise, goods or chattels on Sunday, or sells or barters the same, shall be punished by a fine not exceeding fifty dollars. In cases of emergency or necessity, however, merchants, shopkeepers and others may dispose of the comforts and necessaries of life to customers without keeping open doors.

§ 855.03. *Employing servants.*

Whoever employs his apprentice or servant in labor or other business on Sunday, unless it be in the ordinary household business of daily necessity, or other work of necessity or charity, shall be punished by a fine not exceeding ten dollars for every such offense.

§ 855.04. *Use of firearms on Sunday.*

Whoever uses firearms by hunting game upon Sunday shall be punished by a fine not exceeding one hundred dollars, or by fine not exceeding twenty-five dollars.

§ 855.05. *Penalty for engaging in game or sport on Sunday.*

Whoever engages on Sunday in any game or sport, such as football or bowling, as played in bowling alleys, or horse racing, whether as player, manager, director or

otherwise, shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months.

§ 855.06. *Trap and skeet shooting on Sunday.*

It shall be lawful to engage in the sport of trap, target and skeet shooting on Sunday.

§ 855.07. *Baseball on Sunday; Industrial plants continuously operated.*

It shall be lawful to engage in, operate, follow the business or trade of, and employ persons, including without limitation agents, servants and apprentices, in the playing of baseball between the hours of two o'clock P.M. and eleven o'clock P.M. on Sundays; and to operate on Sunday and employ persons in the operation of industrial plants designed and intended for continuous operation.

Georgia

GA. CODE ANN. §§ 26-6903 to -6920 (1935):

§ 26-6903. *Running freight trains on Sabbath.*—If any freight train, excursion train, or other train than the regular trains run for the carrying of mails or passengers, shall be run on any railroad on the Sabbath day, the superintendent of transportation of such railroad company, or the officer having charge of the business of that department of the railroad, shall be liable to indictment in each county through which such train shall pass, and shall be punished as for a misdemeanor.

The foregoing provisions shall not extend to [Specified train operations].

. . . . . .

§ 26-6904. *Allegation and proof on the trial.*—On the trial for the violation of the preceding section, it shall

not be necessary to allege or prove the name of any employee engaged on such train, but it shall be sufficient to prove that the train was run. The defendant may justify himself by proving that such employees acted in direct violation of his orders and rules.

§ 26-6905. *Violating the Sabbath day.*—Any person who shall pursue his business or the work of his ordinary calling on the Lord's day, works of necessity or charity only excepted, shall be guilty of a misdemeanor.

§ 26-6906. *Hunting on Sunday.*—Any person who shall hunt any kind of game with gun or dogs, or both, on the Sabbath day shall be guilty of a misdemeanor.

§ 26-6907. *Discharging gun or pistol on Sunday.*—Any person who shall wilfully or wantonly fire off or discharge any loaded gun or pistol on Sunday, except in defense of person or property, shall be guilty of a misdemeanor.

§ 26-6908. *Fishing on Sunday.*—Any person who shall fish or attempt to catch any kind of fish with hook and line, nets, gigs, or by any other manner or means, in any of the waters or streams within the State on the Sabbath day, shall be guilty of a misdemeanor.

§ 26-6909. *Causing convict to work on Sunday.*—Any warden or other prison official who shall cause any convict to do any work on Sunday, except works of necessity, shall be guilty of a misdemeanor.

§ 26-6910. *Indecent bathing on Sunday.*—Any person who shall bathe in a stream or pond of water on the Sabbath day, in view of a road or passway leading to or from a house of religious worship, shall be guilty of a misdemeanor.

. . . . . .

§ 26-6914. *Dancing in public places on Sunday.*—Dancing at any public place on the Lord's day, commonly known as Sunday, is hereby prohibited. The owner, proprietor,

manager, agent, lessee or tenant of any public place who shall permit dancing at said public place on the Lord's day, commonly known as Sunday, shall be guilty of a misdemeanor.

§ 26-6915. *Sunday motion pictures and athletic contests; horse and dog racing; policy of State.*—Since motion picture theatres are being operated, and athletic events, games and contests are being held, on Sundays in most of the principal towns and cities of the State, it is hereby declared to be the policy of this State that a method should be provided whereby the citizens of any town or county may provide for the operation or prohibit the operation of motion picture theatres, and for holding of athletic events, games and contests, or for prohibiting the same, on Sundays. Nothing in sections 26-6915 to 26-6920 shall legalize horse or dog racing within the State of Georgia.

§ 26-6916. *Same; motion pictures and contests legalized; permits.*—It shall be lawful for the operator or operators of any motion picture theatres and for those sponsoring or holding athletic events, games and contests to hold the same on Sunday: Providing, that before such shall be lawful the operator, operators or sponsors shall first obtain a permit from the mayor and council or other governing body of any municipal corporation within which the place of operation or showing are located; and if such theatre or place of holding such athletic event lies outside of such municipal corporation such permits shall be first obtained from the county commissioner or other governing body of the county in which said theatre or place of holding such games and contests are to take place. In the event Sunday movies are licensed in a community the operator shall show once each month a show on either a religious or educational subject.

§ 26-6917. *Same; petition of citizens to have permit granted.*—If any such permit is refused by the mayor and council or other governing body of any municipal

corporation for the operation of any theatre or athletic event, game or contest, as the case may be within the limits of such municipal corporation; or, such refusal is made by the board of county commissioners or other governing official or governing body of the county as to theatres, or as to such events, games or contests, as the case may be, within the county, but outside of any municipal corporation, then, upon the presentation of a petition to the mayor and council, or the governing body of any municipal corporation, or to the board of county commissioners or other governing official or governing body of the county, if said theatres or the places for holding such athletic events, games or contests, lie outside the limit of any municipal corporation, bearing the names of at least 25 per cent of the registered voters of said municipal corporation, or county, as the case may be, requesting that such permits be issued, then it shall be the duty of the governing bodies of such municipal corporations or counties, as the case may be, to issue such permits.

§ 26-6918. *Same; petition of citizens opposing issuance of permit; election to determine issue. . . .*

§ 26-6919. *Same; verification of petitions. . . .*

§ 26-2920. *Same; penalty for violation of law.*—Any person or persons, whether owners, operators or managers of any such theatres as may be operated on Sunday or any person or persons, whether sponsors, owners or managers of any such athletic events, games or contest, as may be held on Sundays, without first obtaining a permit as provided for in sections 26-6915 to 26-6919 shall be punished as for a misdemeanor.

Hawaii

HAWAII REV. LAWS (1955) § 144-33:

Powers of the board of supervisors. The board of supervisors of each county shall have general supervision and control of all its public affairs of the county and the super-

vision of all subordinate affairs, and, without prejudice to the generality of the foregoing powers, shall, except as otherwise provided, have the following specific powers:

* * * * * * * * * * *

(o) *Sunday entertainments.* To provide by ordinance for the exhibiting of moving pictures on Sundays after the hours of 12:30 P.M., and legitimate stage play productions on Sunday after 6:30 P.M., under such restrictions as they may prescribe.

Idaho

IDAHO CODE ANN. (Supp. 1959) § 18-6203:

Public amusements—Local option procedure—Penalties. It shall be unlawful for any person or persons in this state to keep open on Sunday any dance house after one o'clock a.m., race track, except automobile race tracks between the hours of one o'clock p.m. and four-thirty o'clock p.m. where automobile racing is conducted under the auspices of an association duly chartered and licensed under the corporation laws of the state of Idaho, merry-go-round prior to one o'clock p.m., circus or show, concert saloon, billiard or pool room, or variety hall. * * *

Illinois

ILL. ANN. STAT. ch. 38, § 549 (Smith-Hurd 1935):

§ 549. *Disturbing peace of society on Sunday.—Exceptions.*—Whoever disturbs the peace and good order of society by labor (works of necessity and charity excepted), or by any amusement or diversion on Sunday, shall be fined not exceeding $25. This section shall not be construed to prevent watermen and railroad companies from landing their passengers, or watermen from loading and unloading their cargoes, or ferrymen from carrying over the water travelers and persons moving their families, on the first day of the week, nor to prevent the due exercise of the rights of conscience by whomever think proper to keep any other day as a Sabbath.

Indiana

IND. ANN. STAT. §§ 10-4301 to -4305 (1956), as amended (Supp. 1960):

§ 10-4301. *Sabbath breaking—Sunday baseball—Ice hockey.*—Whoever being over fourteen [14] years of age, is found on the first day of the week, commonly called Sunday, rioting, hunting, quarreling, at common labor, or engaged in his usual vocation, works of charity and necessity only accepted, shall be fined not less than one dollar [$1.00] nor more than ten dollars [$10.00]; but nothing herein contained shall be construed to affect such as conscientiously observe the seventh day of the week as the Sabbath, travelers, and those engaged in conveying them, families removing, keepers of toll bridges and toll gates, ferrymen acting as such and persons engaged in the publication and distribution of news, or persons engaged in playing the game of baseball or ice hockey after one o'clock P.M. and not less than one thousand [1,000] feet distant from any established house of worship or permanent church structure used for religious services, or any public hospital or private hospital erected prior to the passage of this act.

§ 10-4302. *Football and other games on Sunday.*—It shall be unlawful for any person or persons to engage in playing any game of football, or other game where any fee is charged, or where any reward or prize, or profit, or article of value is depending on the result of such game, on the first day of the week, commonly called Sunday; and every person so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not exceeding twenty-five dollars [$25.00].

§ 10-4303. *Hunting on Sunday prohibited—Penalty.*—It shall be unlawful for any person to hunt, shoot, or kill any wild birds, wild animals and fur bearers now protected by law on the first day of the week commonly known as Sunday. Any person violating the provisions of this act

shall on conviction be fined in any sum not less than ten dollars [$10.00] nor more than fifty [$50.00] dollars.

. . . . . .

§ 10-4305. *One dealing in new or used motor vehicles on Sunday—Disorderly person—Penalties.*—Any individual motor vehicle retail dealer, any member of a partnership or a firm which operates a motor vehicle establishment, or any officer or director of a corporation which operates a motor vehicle establishment, or any agent or employee of such individual, partnership, firm or corporation, who shall carry on or engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles, or who shall open any motor vehicle retail establishment wherein he attempts to or does engage in the business of buying, selling, exchanging or trading in new or used motor vehicles, or who does buy, sell, exchange or trade in new or used motor vehicles, on the first day of the week, commonly called Sunday, is hereby declared to be a disorderly person. Any person so declared to be a disorderly person shall be guilty of a misdemeanor and, upon a first conviction, shall be liable to a fine of not to exceed one hundred dollars [$100], to which may be added imprisonment for a determinate period of time of not to exceed ten [10] days, or to both such fine and imprisonment; for a second offense, upon conviction, he shall be liable to a fine of not to exceed five hundred dollars [$500], to which may be added imprisonment for a determinate period of time of not to exceed thirty [30] days, or to both such fine and imprisonment; and for a third and each subsequent offense, upon conviction, he shall be liable to a fine of seven hundred and fifty dollars [$750], to which may be added imprisonment for a determinate period of time of not to exceed six [6] months, or to both such fine and imprisonment.

Iowa

No comprehensive Sunday labor or closing law.

Kansas

KAN. GEN. STAT. ANN. §§ 21-952 to -956 (1949):

§ 21-952. *Laboring on Sunday; penalty.* Every person who shall either labor himself or compel his apprentice, servant or any other person under his charge or control to labor or perform any work other than the household offices of daily necessity, or other works of necessity or charity, on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and fined not exceeding twenty-five dollars.

§ 21-953. *Exceptions to § 21-952.* The last section shall not extend to any person who is a member of a religious society by whom any other than the first day of the week is observed as the Sabbath, so that he observes such Sabbath, nor to prohibit any ferryman from crossing passengers on any day in the week.

§ 21-954. *Games on Sunday; penalty.* Every person who shall be convicted of horse racing, cockfighting, or playing at cards or game of any kind, on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and fined not exceeding fifty dollars.

§ 21-955. *Sales on Sunday; penalty.* Every person who shall sell or expose to sale any goods, wares or merchandise, or shall keep open any grocery, on the first day of the week, commonly called Sunday, shall on conviction be adjudged guilty of a misdemeanor, and fined not exceeding fifty dollars.

§ 21-956. *Exceptions to § 21-955.* The last section shall not be construed to prevent the sale of any drugs or medicines, provisions, or other articles of immediate necessity.

Kentucky

KY. REV. STAT. § 436.160 (1959):

Working, holding boxing or wrestling match, playing billiards or pool or hunting, on Sunday. (1) Any person

who works on Sunday at his own or at any other occupation or employs any other person, in labor or other business, whether for profit or amusement, unless his work or the employment of others is in the course of ordinary household duties, work of necessity or charity or work required in the maintenance or operation of a public service or public utility plant or system, shall be fined not less than two dollars nor more than fifty dollars. The employment of every person employed in violation of this subsection shall be deemed a separate offense.

(2) Persons who are members of a religious society which observes as a Sabbath any other day in the week than Sunday shall not be liable to the penalty prescribed in subsection (1) of this section, if they observe as a Sabbath one day in each seven.

(3) Subsection (1) of this section shall not apply to amateur sports, athletic games, operation of moving picture shows, chautauquas, filling stations or opera.

(4) Any person who holds any boxing or wrestling match or exhibition on Sunday shall be fined not less than ten dollars nor more than one hundred dollars.

(5) Any person licensed to keep, or any person controlling, a billiard, pigeon-hole or pool table who permits any game to be played on it on Sunday shall be fined not less than twenty-five dollars nor more than sixty dollars, and forfeit his billiard, pigeon-hole or pool table license if he holds such license.

(6) Any person who hunts game, with a gun or dogs, on Sunday shall be fined not less than five dollars nor more than fifty dollars.

Louisiana

LOUISIANA REV. STAT. (1950) tit. 33, Sec. 4783; tit. 51, §§ 191, 192:

Title 33

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Sec. 4783. *Sunday closing of butcher shops and bakeries in cities of over 25,000.*

Municipalities having a population of over twenty-five thousand may regulate or prohibit the opening and closing of butcher shops, meat markets, baker shops, and bakeries within their corporate limits on Sunday. Municipalities of over one hundred thousand may also regulate or prohibit the sale and delivery of bakery products within their corporate limits on Sunday.

Municipalities may punish by penal ordinance violations of ordinances passed in pursuance of this Section.

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Title 51.

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PART V. SUNDAY LAWS

§ 191. *Places of business to be closed; penalty.*

All stores, shops, saloons, and all places of public business, licensed under the law of Louisiana or under any parochial or municipal law and all plantation stores, shall be closed at twelve o'clock on Saturday nights, and remain closed continuously for twenty-four hours, during which time no proprietor thereof shall give, trade, exchange or sell any of the stock or any article of merchandise kept in his establishment.

Whoever violates this Section shall be fined not less than twenty-five dollars nor more than two hundred and fifty dollars, or imprisoned for not less than ten days nor more than thirty days, or both for each offense.

§ 192. *Exemptions.*

The provisions of R.S. 51:191 shall not apply to newsdealers, the sale of ice, watering places and public parks, places of resort for recreation and health, newspaper offices, keepers of soda fountains, printing offices, book stores, drug stores, apothecary shops, undertaker shops, public and private markets, bakeries, dairies, livery stables, railroads, whether steam or horse, hotels, boarding houses, steamboats and other vessels, warehouses for receiving and forwarding freights, restaurants, telegraph offices and theatres, or any place of amusement, unless intoxicating liquors are sold in the premises. Stores may be opened for the purpose of selling anything necessary in sickness and for burial purposes.

Hotels or boarding houses may sell wine for table use on Sundays. No alcoholic, vinous or malt liquors shall be given, traded or bartered or sold or delivered in any public place on Sundays, except when administered or prescribed by a practicing physician in the discharge of his professional duties. In which case the physicians administering the intoxicating liquors may charge therefor.

Maine

ME. REV. STAT. ANN. ch. 134, § § 38-45 (1954) § 38-A (Supp. 1959):

Sec. 38. *Business, traveling and recreation on the Lord's Day.*—Whoever, on the Lord's Day, keeps open his shop, workhouse, warehouse or place of business; travels; does any work, labor or business on that day, except works of necessity or charity; uses any sport, game or recreation; or is present at any dancing, public diversion, show or entertainment, encouraging the same, shall be punished by a fine of not more than $10; provided, however, that this section shall not apply to the operation of common carriers; to the driving of taxicabs and public carriages; to the operation of airplanes; to the driving of private auto-

mobiles or other vehicles; to the printing and selling of Sunday newspapers; to the keeping open of hotels, restaurants, garages, grocery stores and drug stores; to the selling of gasoline; or to the giving of scientific, philosophical, religious or educational lectures, or to musical concerts or theatrical productions.

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Sec. 38-A. (Supp. 1959). *Sunday sales of motor vehicles and mobile homes prohibited.*—Any person who shall carry on or engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles or mobile homes; or who shall open any place of business or lot wherein he attempts to or does engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles or mobile homes; or who does buy, sell, exchange, deal or trade in new or used motor vehicles or mobile homes as a business on the first day of the week, commonly known and designated as Sunday, is a disorderly person. Such a disorderly person, upon conviction for the first offense shall be punished by a fine of not more than $100 or by imprisonment for not more than 10 days, or by both; and for the second offense shall be punished by a fine of not more than $500 or by imprisonment for not more than 30 days, or by both; and for the third or each subsequent offense shall be punished by a fine of not more than $750 or by imprisonment for not more than 6 months, or by both. If the person is the holder of dealer or transit registration plates under chapter 22, sections 26 or 26-A, such person shall also be subject to the suspension or revocation of said plates, as provided for in chapter 22, section 27, for the violation of this section.

Sec. 39. *Sunday sports legalized; local option.* * * *

Sec. 40. *Sunday bowling legalized; local option.* * * *

Sec. 41. *Sunday moving pictures legalized; local option.* * * *

Sec. 43. *Innholders and victualers not to allow gambling, diversion or business on Lord's Day.*—If an innholder or

victualer, on the Lord's Day, suffers any persons, except travelers, strangers, or lodgers, to abide in his house, yard or field, drinking or spending their time idly at play, or doing any secular business except works of charity or necessity, he shall be punished by a fine of not more than $4 for each person thus suffered to abide; and if after conviction he is again guilty, by a fine of not more than $10 for each offense; and upon a 3rd conviction, he shall also be incapable of holding any license; and every person so abiding shall be punished by a fine of not more than $4 for each offense.

Sec. 44. *Persons conscientiously observing the 7th day.*—No person conscientiously believing that the 7th day of the week ought to be observed as the Sabbath, and actually refraining from secular business and labor on that day, is liable to said penalties for doing such business or labor on the 1st day of the week, if he does not disturb other persons.

Maryland

MD. ANN. CODE art. 27, §§ 492-534 (1957)

§ 492. *Working on Sunday; permitting children or servants to game, fish, hunt, etc.*

No person whatsoever shall work or do any bodily labor on the Lord's day, commonly called Sunday; and no person having children or servants shall command, or wittingly or willingly suffer any of them to do any manner of work or labor on the Lord's day (works of necessity and charity always excepted), nor shall suffer or permit any children or servants to profane the Lord's day by gaming, fishing, fowling, hunting or unlawful pastime or recreation; and every person transgressing this section and being hereof convicted before a justice of the peace shall forfeit five dollars, to be applied to the use of the county.

§ 493. *Sports in Frederick City and sports and music in Frederick County.* * * *

§ 494. *Same—Penalty.* * * *

§ 495. *Motion pictures in Frederick City.* * * *

§ 496. *Same—Penalty.* * * *

§ 497. *Baseball, basketball, bowling and swimming in Hagerstown.* * * *

§ 498. *Same—Officiating at or assisting in conduct of baseball game.* * * *

§ 499. *Same—Penalty.* * * *

§ 500. *Sports in Kent, Caroline and Montgomery counties.* * * *

§ 501. *Same—Officiating at or assisting in conduct of games.* * * *

§ 502. *Motion pictures in Montgomery County; dancing, bowling, motion pictures, etc., permitted until 1:30 A.M. on Sunday.* * * *

§ 503. *Employees in connection with motion pictures in Montgomery County; penalty for violation of §§ 500 to 503.* * * *

§ 504. *Swimming pools in Montgomery.* * * *

§ 505. *Same—Officiating at or assisting in operation.* * * *

§ 506. *Recreation center, amusement park or picnic grounds in Montgomery County.* * * *

§ 507. *Same—Officiating at or assisting in conduct.* * * *

§ 508 (Supp. 1960). *Bowling, skating, etc., in Montgomery County.* * * *

§ 509. *Beaches, amusement parks, picnic groves, etc., in Anne Arundel County.* * * *

§ 510. *Same—Penalty.* * * *

§ 511. *Motion pictures in Town of Aberdeen.* * * *

§ 512. *Same—Penalty.* * * *

§ 513. *Motion pictures in Havre de Grace.* * * *

§ 514. *Sports, motion pictures, beaches and skating rinks in Harford County.* * * *

§ 515. *Motion pictures in certain districts in Anne Arundel County.* * * *

§ 516. (Supp. 1960). *Motion pictures, miniature golf courses, rod and gun clubs and swimming pools in Talbot County.* * * *

§ 517. *Bowling alleys, etc., in Allegany County.* * * *

§ 518 (Supp. 1960). *Bowling alleys, etc., in Baltimore County.* * * *

§ 519. *Motion pictures, bowling, etc., in Kent County.* * * *

§ 520. *Golf, baseball and stock car racing in Garrett County.* * * *

§ 521 (Supp. 1960). *Sale, etc., of merchandise on Sunday; exceptions.*

No person in this State shall sell, dispose of, barter, or deal in, or give away any articles of merchandise on Sunday, except retailers, who may sell and deliver on said day tobacco, cigars, cigarettes, candy, sodas and soft drinks, ice, ice cream, ices and other confectionery, milk, bread, fruits, gasoline, oils and greases; and any person violating any one of the provisions of this section shall be liable to indictment in any court in this State having criminal jurisdiction, and upon conviction thereof shall be fined a sum of not less than twenty nor more than fifty dollars, in the discretion of the court, for the first offense, and if convicted a second time for a violation of this section, the person or persons so offending shall be fined a sum not less than $50 nor more than $500, and be imprisoned for not less than 10 nor more than 30 days, in the discretion of the court, and his, her or their license, if any was issued, shall be declared null and void by the judge of said court; and it shall not be lawful for such person or persons to obtain another license for the period of twelve months from the time of such conviction, nor shall a license be obtained by any other person or persons to carry on said business on the premises or elsewhere, if the person, so as aforesaid convicted, has any interest whatever therein, or shall derive any profit whatever therefrom; and in case of being convicted more than twice for a violation of this section, such person or persons on each occasion shall be imprisoned for not less than thirty nor more than sixty days, and fined a sum not less than double that imposed on such person or persons on the last preceding conviction; and

his, her or their license, if any was issued, shall be declared null and void by the court, and no new license shall be issued to such person or persons for a period of two years from the time of such conviction, nor to any one else to carry on said business wherein he or she is in anywise interested, as before provided for the second violation of the provisions of this section; all the fines to be imposed under this section shall be paid to the State. This section is not to apply to apothecaries and such apothecaries may sell on Sunday drugs, medicines and patent medicines as on week days; and this section shall not apply to the sale of newspaper and periodicals.

§ 522. *Keeping open or using dancing saloon, opera house, tenpin alley, barber saloon or ball alley on Sunday.* It shall not be lawful to keep open or use any dancing saloon, opera house, tenpin alley, barber saloon or ball alley within this State on the Sabbath day, commonly called Sunday; and any person or persons, or body politic or corporate, who shall violate any provision of this section, or cause or knowingly permit the same to be violated by a person or persons in his, her or its employ shall be liable to indictment in any court of this State having criminal jurisdiction, and upon conviction thereof shall be fined a sum not less than fifty dollars nor more than one hundred dollars, in the discretion of the court, for the first offense; and if convicted a second time for a violation of this section, the person or persons, or body politic or corporate shall be fined a sum not less than one hundred nor more than five hundred dollars; and if a natural person shall be imprisoned, not less than ten nor more than thirty days in the discretion of the court; and in the case of any conviction or convictions under this section subsequent to the second, such person or persons, body politic or corporate shall be fined on each occasion a sum at least double that imposed upon him, her, them or it on the last preceding conviction; and if a natural person, shall be imprisoned not less than thirty nor more than sixty days in the discretion

of the court; all fines to be imposed under this section shall be paid to the State.

§ 523. *Motion pictures in Carroll County.* * * *

§ 524. *Bowling alleys, etc., in Carroll County.* * * *

§ 525. *Motion pictures in Town of Sykesville.* * * *

§ 526. *Motion pictures in Franklin district, Carroll County.* * * *

§ 527. *Motion pictures in Freedom district, Carroll County.* * * *

§ 528. *Baseball and motion pictures in Wicomico County.* * * *

§ 529. *Baseball and motion pictures in Worcester County.* * * *

§ 530. *Motion pictures in Allegany County outside corporate limits of municipalities.*

§531. *Motion pictures in towns of Centreville and Church Hill.* * * *

§ 532. *Motion pictures in Town of Mt. Airy.* * * *

§ 533. *Motion pictures in Caroline County.* * * *

§ 534. *Motion pictures in Town of Queenstown.* * * *

§ 534A (Supp. 1960). *Operation of sport facilities on Sunday in Queen Anne's County.* * * *

§ 534B (Supp. 1960). *Sports activities on Sunday in Howard County.* * * *

§ 534C (Supp. 1960). *Motion pictures on Sunday in City of Cambridge.*

Massachusetts

MASS. GEN. LAWS ANN. (1958) Chapter 136, §§ 1-32.

OBSERVANCE OF THE LORD'S DAY.

SECTION 1. [Lord's day, definition.] The Lord's day shall include the time from midnight to midnight.

SECTION 2. [Presence at games, sports, plays or public diversions on the Lord's day; exceptions.] Whoever on the Lord's day is present at a game, sport, play or public diversion, except a concert of sacred music, a public enter-

tainment duly licensed as provided in section four or a free open air concert given by a town, or by license of the mayor or the selectmen, upon a common or public park, street or square, or except a game of golf conducted on an open air golf course, or except a game of tennis or dancing at a wedding or celebration of a religious custom or ritual if no charge is made for being present or for dancing, or except after one o'clock post-meridian a game of outdoor lawn bowling or the playing of golf or driving on an outdoor golf driving range or playing on a miniature golf course, so called, shall be punished by a fine of not more than five dollars. Whoever on the Lord's day takes part in any game, sport, play or public diversion, except as aforesaid, shall be punished by a fine of not more than fifty dollars. This and the following section shall not apply to amusement enterprises lawfully conducted under section four A or four B or to sports or games conducted in accordance with sections twenty-one to twenty-five, inclusive, in any city or town which accepts said sections or in accordance with sections twenty-six to thirty-two, inclusive, in any city or town in which said section twenty-six to thirty-two are then in force.

SECTION 3. [Establishing and maintaining public entertainment on the Lord's day.] Whoever offers to view, sets up, establishes, maintains, or attempts to set up, establish or maintain, or promotes or assists in such attempt, or promotes, or aids, abets or participates in offering to view, setting up, establishing or maintaining any public entertainment on the Lord's day, except as provided in section two, unless such public entertainment shall be in keeping with the character of the day and not inconsistent with its due observance and duly licensed as provided in section four, or whoever on the Lord's day acts as proprietor, manager or person in charge of a game, sport, play or public diversion, except a public entertainment licensed under section four and except as provided in section two, shall be punished by a fine of not more than five hundred dollars.

SECTION 4. [License to hold public entertainment on the Lord's day; application; fee; suspension; revocation; hearing.] Except as provided in section one hundred and five of chapter one hundred and forty-nine, the mayor of a city or the selectmen of a town may, upon written application describing the proposed entertainment, grant, upon such terms or condition as they may prescribe, a license to hold on the Lord's day a public entertainment, including musical entertainment provided by mechanical or electrical means, in keeping with the character of the day and not inconsistent with its due observance, whether or not admission is to be obtained upon payment of money or other valuable consideration, and, if the proposed entertainment described in the application is solely for the exhibition of motion pictures, for the benefit of patrons in a public dining room or for the use of television, the use of radio, or musical entertainment provided by mechanical or electrical means, the mayor or selectmen may grant an annual license therefor; provided, that no such license shall be granted to have effect before one o'clock in the afternoon, nor shall it have effect unless the proposed entertainment shall have been approved in writing by the commissioner of public safety as being in keeping with the character of the day and not inconsistent with its due observance. The application for the approval of the proposed entertainment by the commissioner shall be accompanied by a fee of two dollars, or, in the case of an application for the approval of an annual license, as herein provided, by a fee of fifty dollars. Any such license may, after notice and a hearing given by the mayor or selectmen issuing the same, or by said commissioner, be suspended, revoked or annulled by the officer or board giving the hearing. The foregoing provisions, insofar as they authorize any person to refuse to grant, or to suspend, revoke or annul a license upon the ground that the proposed entertainment is not in keeping with the character of the Lord's day or not consistent with its due observance, and insofar as they require written approval of the

proposed entertainment by said commissioner, shall not apply to any person making an application for a license to exhibit motion pictures or for the use of radio or television on said day, nor to any license issued upon such application.

SECTION 4A. [Maintenance and operation of enterprises at amusement parks, beaches or resorts on the Lord's day; licenses, suspension; revocation.] The mayor of a city or the selectmen of a town, upon written application therefor, and upon such terms and conditions as they may prescribe, may grant licenses for the maintenance and operation upon the Lord's day at amusement parks or beach resorts, so called, in such city or town, of any enterprise hereinafter described, for admission to which or for the use of which a payment of money or other valuable consideration may or may not be charged, namely:—Bowling alleys, shooting galleries restricted to the firing therein of rifles, revolvers or pistols using cartridges not larger than twenty-two calibre, photographic galleries or studios in which pictures are made and sold, games, and such amusement devices as may lawfully be operated therein on secular days; provided, that no such license shall be granted to have effect before one o'clock in the afternoon, nor shall it have effect unless the proposed enterprise shall, upon application accompanied by a fee of two dollars, have been approved in writing by the commissioner of public safety as provided in the case of public entertainments under section four. Any licensee hereunder may distribute premiums or prizes in connection with any game or device lawfully maintained and operated by him under authority hereof. Any such license may, after notice and a hearing given by the mayor or selectmen issuing the same, or by said commissioner, be suspended, revoked or annulled by the officer or board giving the hearing. So much of this section as relates to the maintenance and operation of bowling alleys not apply in any city or town which shall have accepted the provisions of section four B.

SECTION 4B. [License for operation of bowling alleys on the Lord's day.] In any city which accepts this section by vote of its city council and in any town which accepts this section by vote of its inhabitants, the city council, with the approval of the mayor, or the selectmen, as the case may be, may grant licenses for the operation of bowling alleys on the Lord's day between the hours of one and eleven post meridian; provided, that no such license may authorize the operation of bowling alleys on Easter, or on Christmas day if such day falls on the Lord's day. Every license granted hereunder shall specify the location of the place of business in which the license is to exercised, and the license shall not be valid in any other place. Bowling alleys operated under such licenses shall be operated subject to such regulations and restrictions as shall be prescribed from time to time by the city council, with the approval of the mayor, or by the selectmen. Said regulations and restrictions shall be stated in the license. Said licensing authorities may at any time and without previous notice revoke licenses issued under the section if they have reason to believe that any provisions of this section, or any regulation or restriction prescribed thereunder, is being or will be violated.

SECTION 5. [Keeping open shops or warehouses and conducting business or doing work on the Lord's day.] Whoever on the Lord's day keeps open his shop, warehouse or workshop, or does any manner of labor, business or work, except work of necessity and charity, shall be punished by a fine of not more than fifty dollars.

SECTION 6. [Limit of operation of section 5.] The preceding section shall not prohibit the manufacture and distribution of steam, gas or electricity for illuminating purposes, heat or motive power; the distribution of water for fire or domestic purposes; the use of the telegraph or the telephone; the manufacture and distribution of oxygen, hydrogen, nitrogen, acetylene and carbon dioxide; the retail sale of drugs and medicines, or articles ordered by the

prescription of a physician, or mechanical appliances used by physicians or surgeons.

Nor shall it prohibit the retail sale of tobacco in any of its forms by licensed innholders, common victuallers, druggists and newsdealers whose stores are open for the sale of newspapers every day in the week; the retail sale of bread, before ten o'clock in the forenoon and between the hours of four o'clock and half past six o'clock in the afternoon by licensed innholders and by licensed common victuallers authorized to keep open their places of business on the Lord's day and by persons licensed under the following section to keep open their places of business as aforesaid; the retail sale of frozen desserts and/or frozen dessert mix, soda water and confectionery by licensed innholders and druggists, and by such licensed common victuallers as are not also licensed to sell alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, and who are authorized to keep open their places of business on the Lord's day; the sale of frozen desserts and/or frozen dessert mix, soda water, confectionery or fruit by persons licensed under the following section or the keeping open of their places of business for the sale thereof; the sale of live bait for use by fishermen for non-commercial purposes.

Nor shall it prohibit work lawfully done by persons working under permits granted under section nine; the sale by licensed innholders and common victuallers of meals such as are usually served by them, consisting in no part of alcoholic beverages, as so defined, which meals are cooked on the premises but are not to be consumed thereon; the operation of motor vehicles; the sale of gasoline and oil for use, and the retail sale of accessories for immediate necessary use, in connection with the operation of motor vehicles, motor boats and aircraft; the making of such emergency repairs on disabled motor vehicles as may be necessary to permit such vehicles to be towed or to proceed under their own power, and the towing of disabled

motor vehicles; the letting of horses and carriages or of boats, motor vehicles or bicycles; the letting on trains of equipment or accessories for personal use in connection with outdoor recreation and sports activities; unpaid work on pleasure boats; the running of steam ferry boats on established routes; the running of street railway cars; the running of steamboat lines and railroad trains or of steamboats.

Nor shall it prohibit the preparation, printing and publication of newspapers, or the sale and delivery thereof; the wholesale or retail sale and delivery of milk, or the transportation thereof, or the delivery of frozen desserts or frozen dessert mix, or both, or the wholesale or retail sale of ice or of fuel; the transportation of general commodities by motor truck or trailers, then engaged in interstate commerce before eight o'clock in the forenoon and after eight o'clock in the evening or in the event of an emergency between the aforesaid hours; the transportation of petroleum products by motor truck or trailers then engaged in intrastate commerce before six o'clock in the forenoon and after ten o'clock in the evening; the transportation of livestock, farm commodities and farm equipment for participation in fairs, exhibitions and sporting events and veterinary purposes; the handling, transportation and delivery of fish and perishable foodstuffs at wholesale; the sale at wholesale of dressed poultry, and the transportation of such poultry so sold, on the Lord's day next preceding Thanksgiving day, and on the Lord's day next preceding Christmas day except when Christmas day occurs on Saturday, the Lord's day or Monday; the making of butter and cheese; the keeping open of public bathhouses; the making or selling by bakers or their employees, before ten o'clock in the forenoon and between the hours of four o'clock and half past six o'clock in the afternoon, of bread or other food usually dealt in by them; whenever Rosh Hashonah, or the Day of Atonement, begins on the Lord's day, the retail sale and delivery of fish, fruit and

vegetables before twelve o'clock noon of that day; the selling or delivering of kosher meat by any person who, according to his religious belief, observes Saturday as the Lord's day by closing his place of business during the day until six o'clock in the afternoon, or the keeping open of his shop on the Lord's day for the sale of kosher meat between the hours of six o'clock and ten o'clock in the forenoon.

Nor shall it prohibit the performing of secular business and labor on the Lord's day by any person who conscientiously believes that the seventh day of the week ought to be observed as the Sabbath and actually refrains from secular business and labor on that day, if he disturbs no other person thereby; the carrying on of the business of bootblack before eleven o'clock in the forenoon, unless prohibited in a city or town by ordinance or by-law; the digging of clams; the icing and dressing of fish; the cultivation of land, and the raising, harvesting, conserving and transporting of agricultural products during the existence of war between the United States and any other nation and until the first day of January following the termination thereof; such unpaid work in or about private gardens or private grounds, adjacent to a dwelling house, as shall not cause unreasonable noise, having regard to the locality where such work is performed.

Nor shall it prohibit the sale of catalogues of pictures and other works of art in exhibitions held by societies organized for the purpose of promoting education in the fine arts or the exposure of photographic plates and films for pleasure, if the pictures to be made therefrom are not intended to be sold and are not sold.

Nor shall it prohibit the conduct of any enterprise lawfully conducted under section four A or section four B.

Nor shall it prohibit the necessary preparation for and the conducting of private industrial trade expositions which are not open to the general public; provided, that said expositions shall be kept open only between the hours of one and ten o'clock post meridian.

Nor shall it prohibit the sale of fruit and vegetables by the person who raised the same, or by his agent thereunto duly authorized, on premises owned or leased by him.

SECTION 7. [Sale of frozen desserts, frozen dessert mix or confectionery on the Lord's day.] In Boston, and in any other city or town which accepts this section and section eight or has accepted corresponding provisions of earlier laws, in a city by its city council or in a town by the voters of the town at an annual town meeting, the licensing board or officer in such city or town, or if there is no such board or officer the aldermen of a city, or if there are no aldermen the city council with the approval of the mayor, or the selectmen of a town, may grant, to any reputable person who on secular days is a retail dealer in frozen desserts and/or frozen dessert mix, confectionery, soda water or fruit and who does not hold a license for the sale of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, a license to keep open his place of business on the Lord's day for the sale of frozen desserts and/or frozen dessert mix, confectionery, soda water or fruit.

SECTION 8. [Provisions of licenses to sell frozen desserts, ice cream mix or confectionery on the Lord's day; fee; revocation.] Every license granted under the preceding section shall specify the street or place and the number, if any, or if there is no number, the location of the place of business in which the license is to be exercised, and the license shall not be valid in any other place. Such licenses shall expire on April thirtieth of each year; but they may be granted during April, to take effect on May first following. The fee for such license shall not be more than five dollars a year, and it may be suspended or revoked by the officer or board granting the same.

SECTION 9. [Permit for performance of necessary work or labor on the Lord's day.] The police commissioner of Boston, or any member of the police department having

a rank not lower than that of captain and designated by said commissioner, or the chief of police or other officer in charge of the police department of any other city or of any town, or the chairman of the board of selectmen of any town, upon such terms and conditions as he deems reasonable, may issue a permit for the performance on the Lord's day of necessary work or labor which in his judgment could not be performed on any other day without serious suffering, loss, damage or public inconvenience. Such permit shall cover not more than one day and shall not be issued more than six days prior to the day for which it is issued.

SECTION 10. [Parades with music on the Lord's day.] Any post or camp of an incorporated organization of veterans of any war in which the United States has engaged, or any incorporated civic or fraternal organization, may parade with music on the Lord's day for the purpose of attending divine service, holding commemorative exercises or dedicating memorials; provided, that the music shall be suspended while passing within two hundred feet of any place of public worship where services are being held.

SECTION 11. [Parades of policemen or firemen with music on certain Sundays.] Any company or association of policemen or firemen, whether in active service or former members of a police or fire department, may parade with music, in the case of policemen, on policemen's memorial day, the first Sunday of June in each year, and, in the case of firemen, on firemen's memorial day, the second Sunday of June in each year, for the special purpose of decorating the graves of deceased policemen or firemen, as the case may be; provided, that the music shall be suspended while passing within two hundred feet of any place of public worship where services are being held.

SECTION 12. [Entertainment of travelers or strangers in places of public entertainment.] Whoever, keeping a

house, shop, cellar or place of public entertainment or refreshment, entertains therein on the Lord's day any persons other than travelers, strangers or lodgers, or suffers such persons on said day to remain thereon or in the yards, orchards or fields appertaining thereto, drinking or spending their time idly or at play, or in doing any secular business, shall for a first offence be punished by a fine of not more than fifty dollars for each person so entertained or suffered so to remain; and for a subsequent offence by a fine of not more than one hundred dollars; and if convicted three times, he shall thereafter be disqualified to hold a license.

SECTION 13. [Service or execution of civil process on the Lord's day; service by publication.] A civil process shall not be served or executed on the Lord's day, and such service if made shall be void, and the person who serves or executes it shall be liable in damages to the person aggrieved in like manner as if he had no such process; provided, that this section shall not apply to service of such process by publication in a newspaper published on the Lord's day.

SECTION 14. [Rude or indecent behavior in houses of public worship.] Whoever on the Lord's day behaves rudely or indecently in any house of public worship shall be punished by a fine of not more than ten dollars.

SECTION 15. [Limitation of the commencement of prosecutions.] Prosecutions for penalties incurred under the preceding provisions of this chapter shall be commenced within six months after the offence was committed.

SECTION 16. [Inquiry into violations; enforcement.] Sheriffs, constables and grand jurors shall inquire into and inform of all violations of this chapter, and cause it to be enforced.

SECTION 17. [Discharging firearms and fishing on the Lord's day; discharge of firearms in shooting galleries or

at field trials.] Whoever on the Lord's day discharges any firearm for sport or in the pursuit of game, or attempts to take or catch any fish by using any net or spear, or attempts to take or catch any fish for commercial purposes by using a hook and line, shall be punished by a fine of not more than ten dollars; provided, that, on said day, shiners may be taken for bait by licensed fishermen, and eels and suckers may be taken with a spear. Prosecutions hereunder shall be commenced within thirty days after the offense was committed. This section shall not apply to the discharge of firearms in any shooting gallery licensed under section four A, or at any field trial licensed under section one hundred and twelve A of chapter one hundred and thirty-one, and subject to the restrictions therein imposed, nor shall it apply to the discharge of firearms, in trap, skeet or target shooting if carried on at such places within the limits of any city or town and during such hours as the city council or selectmen approve and in accordance with regulations which they are hereby authorized to establish.

SECTION 18. [Punishment of innholders permitting use of implements for gaming on the Lord's day.] Any innholder, common victualler or person keeping or suffering to be kept in any place occupied by him implements such as are used in gaming, in order that the same may for hire, gain or reward be used for purposes of amusement, who, on the Lord's day, uses or suffers to be used any such implements upon any part of his premises, shall for a first offence be punished by a fine of not more than one hundred dollars or by imprisonment for not more than three months; and for a subsequent offence by imprisonment for not more than one year; and in either case shall further recognize, with sufficient sureties, in a reasonable sum for his good behavior, and especially that he will not be guilty of any violation of this section for three months after the date of his recognizance.

SECTION 20. [Chapter as defense to action for tort or injury.] The provisions of this chapter shall not constitute a defence to an action for a tort or injury suffered by a person on the Lord's day.

CERTAIN SPORTS AND GAMES PERMITTED ON THE LORD'S DAY.

SECTION 21. [Athletic outdoor sports or games.] In any city which accepts sections twenty-one to twenty-five, inclusive, by vote of its city council, or in any town which accepts said sections by vote of its inhabitants, it shall be lawful on the Lord's day to take part in or witness any athletic outdoor sport or game, as hereinafter provided, between the hours of one thirty and six thirty post meridian and, in the case of a baseball game commenced before the hour of six thirty post meridian, for such further time beyond said hour as may be necessary to complete said game; provided, that said game had been scheduled to commence at or before the hour of three post meridian, or is the second of two successive games to be played on the same day, the first of which had been scheduled to commence at or before the hour of two post meridian. In any such city or town it shall be lawful on the Lord's day to take part in or witness, as hereinafter provided, any indoor hockey or basketball game between the hours of one thirty post meridian and twelve midnight.

SECTION 22. [Licensed playgrounds or parks for athletic outdoor sports or games.] Such sports or games shall take place on such playgrounds, parks or other places as may be designated for that purpose in a license or permit issued by the city council, with the approval of the mayor, or by the selectmen; provided, that if, under any statute or ordinance, a public playground or park is placed under the exclusive charge and authority of any other officials, such officials shall, for that playground or park, be the licensing authority; and provided, that no sport or game shall be permitted in a place, other than a public

playground or park, within one thousand feet of any regular place of worship.

SECTION 23. [Regulations and restrictions governing athletic outdoor sports or games; admission fees.] Such sports or games shall be conducted subject to such regulations and restrictions as shall be prescribed from time to time by the city council or the selectmen; provided, that they shall not prohibit the charging of admission fees or the taking of collections at any such sport or game, nor shall they prohibit the receiving of remuneration by any proprietor, manager or person in charge of any such sport or game or by any participant therein. Said regulations and restrictions shall be stated in the license or permit.

SECTION 24. [Revocation of permits.] The licensing authorities described in section twenty-two may at any time and without previous notice revoke permits to conduct the said sports or games if they have reason to believe that any provisions of sections twenty-one to twenty-five, inclusive, or of any regulation or restriction prescribed under section twenty-three, is being or will be violated.

SECTION 25. [Outdoor exercises not involving element of contest.] Sections twenty-one to twenty-five, inclusive, shall not prohibit participation at other hours on the Lord's day in other outdoor exercise not involving the element of contest, nor shall they permit horse racing, automobile racing, boxing, or hunting with firearms.

SECTION 26. [Athletic outdoor sports or games not involving pecuniary reward, remuneration or consideration.] In any city or town wherein the corresponding provisions of this and the six following sections were in effect of the sixth day of December, nineteen hundred and twenty-eight, and which has not voted against said sections on resubmission as provided in section thirty-one, and has not accepted the provisions of sections twenty-one to twenty-five, inclusive, as provided in section twenty-one it shall be

lawful to take part in or witness any athletic outdoor sport or game, in which the contestants do not receive and have not been promised any pecuniary reward, remuneration or consideration whatsoever directly or indirectly in connection therewith, on the Lord's day between the hours of two and six in the afternoon as hereinafter provided.

SECTION 27. [Licensed playgrounds or parks for athletic outdoor sports or games not involving pecuniary award, remuneration or consideration.] Such sports or games shall take place on such playgrounds, parks or other places as may be designated for that purpose in a license or permit issued by the city council with the approval of the mayor, or by the selectmen; provided, that if, under any statute or ordinance, a public playground or park is placed under the exclusive charge and authority of any other officials, such officials shall, for that playground or park, be the licensing authority; and provided, that no sport or game shall be permitted in a place, other than a public playground or park, within one thousand feet of any regular place of worship.

SECTION 28. [Regulations and restriction governing athletic outdoor sports or games not involving pecuniary reward, remuneration or consideration.] Such sports or games shall be conducted subject to such regulations and restrictions as shall be prescribed by the city council or selectmen, and the same shall be stated in the license or permit.

SECTION 29. [Admission fees.] No admission fee shall be charged directly or indirectly, and no business or other enterprise shall be conducted, and no collection shall be made at any such sport or game.

SECTION 30. [Revocation of permits.] The licensing authorities described in section twenty-seven may at any time and without previous notice revoke permits to conduct the said sports or games if they have reason to believe that any provision of sections twenty-six to twenty-

nine, inclusive, or of any regulation or restriction prescribed under section twenty-eight; is being or will be violated.

SECTION 31. [Resubmission of sections 26 to 32 in cities or towns; petition.] In any city or town in which the provisions of sections twenty-six to thirty-two, inclusive, are in force, said sections shall be resubmitted to the voters at a municipal election, if a petition to that effect, signed by not less than ten per cent of the voters, is filed with the city or town clerk not less than thirty days before the election. If, upon such resubmission, a majority of the voters voting thereon vote against said sections, they shall cease to have effect in that city or town.

SECTION 32. [Outdoor exercises not involving element of contest.] Sections twenty-six to thirty-one, inclusive, shall not prohibit participation at other hours on the Lord's day in other outdoor exercises not involving the element of contest, nor shall they permit horse racing, automobile racing, boxing, or hunting with firearms.

Michigan

MICH. COMP. LAWS §§ 435.1-.8 (1948):

435.1 *Acts forbidden on Sunday; exceptions; penalty.*

SEC. 1. No person shall keep open his shop, warehouse, or workhouse, or shall do any manner of labor, business, or work, or be present at any dancing, or at any public diversion, show, or entertainment, or take part in any sport, game or play on the first day of the week: The foregoing provisions shall not apply to works of necessity and charity nor to the making of mutual promises of marriage nor to the solemnization of marriages. And every person so offending shall be punished by fine not exceeding 10 dollars for each offense.

435.2 *Public houses, prohibited entertainment.*

Sec. 2. No tavern keeper, retailer of spirituous liquors, or other person keeping a house of public entertainment, shall entertain any persons, not being travelers, strangers or lodgers in his house, on the said first day of the week, or shall suffer any such persons on said day to abide or remain in his house, or in the buildings, yards or orchards or fields appertaining to the same, drinking or spending their time idly, or at play, or in doing any secular business.

435.3 *Same; penalty.*

Sec. 3. Every person offending against any of the provisions of the last preceding section, shall be punished by a fine not exceeding 5 dollars for each person so entertained, or suffered so to abide or remain; and upon any conviction after the first, such offender shall be punished by a fine not exceeding 10 dollars; and if convicted 3 times, he shall be afterwards incapable of holding a license; and every person so abiding or drinking shall be punished by a fine not exceeding 5 dollars.

435.4 *Presence at public diversion; prohibition, penalty.*

Sec. 4. No person shall be present at any game, sport, play or public diversion, or resort to any public assembly, excepting meetings for religious worship or moral instruction, or concerts of sacred music, upon the evening of the said first day of the week; and every person so offending shall be punished by a fine not exceeding 5 dollars for each offense.

435.7 *Persons observing seventh day of week, nonliability.*

Sec. 7. No person who conscientiously believes that the seventh day of the week ought to be observed as the sabbath, and actually refrains from secular business and labor on that day, shall be liable to the penalties provided in this chapter, for performing secular business or labor on the said first day of the week, provided he disturb no other person.

435.8 *Time included in first day of week; limitation on prosecution.*

Sec. 8. For the purposes of the provisions of this chapter, the said first day of the week shall be understood to include all the time between the midnight preceding and the midnight following the said day; and no prosecution for any fine or penalty incurred under any of the preceding provisions of this chapter, shall be commenced after the expiration of 3 months from the time when the offense shall have been committed.

Minnesota

MINN. STAT. ANN. §§ 614.28-31 (1947):

§ 614.27 *Preventing religious act*

Every person who, by threats or violence, shall wilfully prevent another person performing any lawful act enjoined upon or recommended to him by the religion which he professes shall be guilty of a misdemeanor.

§ 614.28 *Sabbath breaking; day*

The law prohibits the doing on the first day of the week of the certain acts specified in section 614.29, which are serious interruptions of the repose and religious liberty of the community, and the doing of any of such acts on that day shall constitute Sabbath breaking. Under the term "day," as used in this section and section 614.29, is included all the time from midnight to midnight.

§ 614.29 *Things prohibited; exceptions*

All horse racing, except horse racing at the annual fairs held by the various county agricultural societies of the state, gaming, and shows; all noises disturbing the peace of the day; all trades, manufacturers, and mechanical employments, except works of necessity performed in an orderly manner so as not to interfere with the repose and religious liberty of the community; all public selling or offering for

sale of property, and all other labor except works of necessity and charity are prohibited on the Sabbath day.

Meals to be served upon the premises or elsewhere by caterers, prepared tobacco in places other than where intoxicating liquors are kept for sale, fruits, confectionery, newspapers, drugs, medicines, and surgical appliances may be sold in a quiet and orderly manner. In works of necessity or charity is included whatever is needful during the day for good order, health, or comfort of the community, including the usual shoe-shining service; but keeping open a barber shop or shaving and hair-cutting shall not be deemed works of necessity or charity, and nothing in this section shall be construed to permit the selling of uncooked meats, groceries, clothing, boots, or shoes. The game of baseball when conducted in a quiet and orderly manner so as not to interfere with the peace, repose, and comfort of the community, may be played on the Sabbath day.

§ 614.30 *Punishment*

Every person who breaks the Sabbath shall be guilty of a misdemeanor and punished by a fine of not less than $1.00, nor more than $10.00, or by imprisonment in the county jail for not more than five days; but it shall be a sufficient defense to a prosecution for Sabbath breaking that the defendant uniformly keeps another day of the week as holy time and that the act complained of was done in such manner as not to disturb others in the observance of the Sabbath.

§ 614.31 *Service of process on the Sabbath prohibited*

Every service of legal process upon the Sabbath day, except in case of a breach or apprehended breach of the peace, or when sued out for the apprehension of a person charged with crime, or where such service is expressly authorized by statute, is hereby prohibited.

Mississippi

MISS. CODE ANN. §§ 2368-71 (1956):

§ 2368. *Sabbath, violations of, generally.*

If any person on the first day of the week, commonly called Sunday, shall himself labor at his own or any other trade, calling or business, or shall employ his apprentice or servant in labor or other business, except it be in the ordinary household offices of daily necessity or other work of necessity or charity, or other activity hereinafter expressly excepted, he shall, on conviction, be fined not more than twenty dollars ($20.00) for every offense, but nothing in this section shall apply to labor on railroads or steamboats, common and contract carriers by motor vehicles, telegraph or telephone lines, street railways, newspapers or in the business of a livery stable, garage or gasoline stations, or ice house, or to the manufacturing operation of any person, firm or corporation engaged in a manufacturing activity, which for economical operation must engage in a continuous manufacturing process; and in municipalities of less than five thousand (5,000) inhabitants, meat markets; and nothing in this section shall prohibit churches or religious societies or their officers, agents and employees from transacting any business, or performing any action on the first day of the week, commonly called Sunday, which they may transact or do on any other day of the week, including but not limited to, the formation of corporations, the execution of deeds, deeds of trust and notes, oil, gas and mineral leases and the issuance of bonds. All such business and actions heretofore transacted or performed on the first day of the week, commonly called Sunday, by churches, religious societies, and their officers, agents and employees acting as such, shall never be declared invalid because transacted or performed on Sunday. Provided, however, that municipalities may by ordinance prescribe certain hours, said hours not to exceed three (3) hours per Sabbath that garages and gasoline stations within the limits of said municipality shall remain closed.

§ 2369. *Sabbath—merchants, other than druggists, not to open store.*

A merchant, shop-keeper, or other person shall not keep open store, or dispose of any wares or merchandise, goods, or chattels, on Sunday, or sell or barter the same; and every person so offending shall, on conviction, be fined not more than twenty dollars for every such offense; but this shall not apply to apothecaries or druggists who may open their stores for the sale of medicine.

§ 2370. *Sabbath—farces, plays, games.*

If any person shall engage in, show forth, exhibit, act, represent, perform, or cause to be shown forth, acted, represented or performed, any tricks, juggling, sleight of hand, or any bearbaiting, any bull-fighting, horse-racing, or cock-fighting, or any such like show or exhibit, on Sunday, every person so offending shall be fined not more than fifty dollars ($50.00): Provided, that this section shall not be construed to prohibit the showing of moving picture shows, baseball, football, basketball, tennis and golf games, between the hours of 1:00 o'clock p.m. and 6:00 o'clock p.m. on Sundays, or the operation of a movie wherein motion pictures are shown between the hours of 9:00 o'clock p.m. and 12:00 o'clock p.m. on Sunday.

§ 2370.5. *Same—local option.*

The showing of moving picture shows and plays, and baseball, football, basket ball, tennis, golf, and similar forms of entertainment and recreation, between the hours of 1:00 o'clock p.m. and 6:00 o'clock p.m. on Sunday is legal.

Provided, however, that upon the petition of 20% of the qualified electors in any municipality so requesting, the governing authorities thereof, shall call an election within thirty days after the filing of said petition, to determine whether the provisions of the preceding paragraph of this section shall be inapplicable within that municipality, . . .

§ 2371. *Sabbath—hunting or fisking.*

If any person shall hunt with a gun or with dogs, or fish in any way on Sunday, he shall, on conviction, be fined not less than five dollars nor more than twenty dollars.

Missouri

MO. ANN. STAT. §§ 563.690-730 (1949):

§ 563.690. *Sabbath breaking*

Every person who shall either labor himself, or compel or permit his apprentice or servant, or any other person under his charge or control, to labor or perform any work other than the household offices of daily necessity, or other works of necessity or charity, or who shall be guilty of hunting game or shooting on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and fined not exceeding fifty dollars.

§ 563.700. *"Sabbath breaking" construed*

Section 563.690 shall not extend to any person who is a member of a religious society by whom any other than the first day of the week is observed as a Sabbath, so that he observes such Sabbath, nor to prohibit any ferryman from crossing passengers on any day of the week; nor shall said section be extended or construed to be an excuse or defense in any suit for the recovery of damages or penalties from any person, company or corporation voluntarily contracting or engaging in business on Sunday.

§ 563.710. *Horse racing on Sunday*

Every person who shall be convicted of horse racing, cock-fighting, or playing at cards or games of any kind, on the first day of the week, commonly called Sunday, shall be deemed guilty of a misdemeanor, and fined not exceeding fifty dollars.

§ 563.720. *Selling goods on Sunday*

Every person who shall expose to sale any goods, wares or merchandise, or shall keep open any ale or porter house, grocery or tippling shop, or shall sell or retail any fermented or distilled liquor on the first day of the week, commonly called Sunday, shall, on conviction, be adjudged guilty of a misdemeanor and fined not exceeding fifty dollars.

§ 563.730. *Section 563.720 construed*

Section 563.720 shall not be construed to prevent the sale of any drugs or medicines, provisions or other articles of immediate necessity.

Montana

MONTANA REV. CODE (1947) Sec. 94-35-216:

Sunday—certain activities on, forbidden. Every person who on Sunday, or the first day of the week, keeps open or maintains or who aids in opening or maintaining any dance-hall, dance-house, racetrack, gambling-house or pool-room, variety hall, or any other place of amusement where any intoxicating liquors are sold or dispensed, is guilty of a misdemeanor; provided, however, that the provisions of this section shall not apply to such dining-halls or pavilions as are maintained or conducted in public parks or playgrounds where no admission is charged, and where good order is maintained and where no intoxicating liquors are sold.

Nebraska

NEB. REV. STAT. (1956) §§ 15-258, 16-226, 17-128, 28-940:

15-258. *Billiard halls; disorderly houses; desecration of Sabbath.* A primary city may restrain, prohibit, and suppress unlicensed tippling shops, billiard tables, bowling alleys, houses of prostitution, opium joints, dens, and other disorderly houses and practices, games, gambling houses,

desecration of the Sabbath day, commonly called Sunday, and may prohibit all public amusements, shows, exhibitions or ordinary business pursuits upon said day, all lotteries and fraudulent devices and practices for the purposes of obtaining money or property, all shooting galleries, and all kinds of public indecencies.

16-226. *Billiard halls; bowling alleys; disorderly houses, gambling, and desecration of Sabbath.* A city of the first class by ordinance may regulate, prohibit, and suppress unlicensed tippling shops, billiard tables and bowling alleys; restrain houses of prostitution, opium joints, dens and other disorderly houses and practices, games and gambling houses, desecration of the Sabbath day, commonly called Sunday; and prohibit all public amusements, shows, exhibitions or ordinary business pursuits upon said day, all lotteries or fraudulent devices and practices for the purpose of obtaining money or property, all shooting galleries, and all kinds of public indecencies.

17-128. *Sunday; business and amusements; regulation.* A second-class city shall have power to prevent any desecration of the Sabbath day, commonly called Sunday, and to prohibit public amusements, shows, exhibitions or ordinary business pursuits upon said day.

28-940. *Sabbath observance; baseball, public dancing prohibited; exceptions.* If any person of the age of fourteen years or upwards shall be found on the first day of the week commonly called Sunday, rioting, quarreling or engaged in public dancing, he or she shall be fined in a sum not exceeding twenty dollars or be confined in the county jail for a term not exceeding twenty days, or both, at the discretion of the court. If any person of the age of fourteen years or upwards shall be found on the first day of the week, commonly called Sunday, at common labor (work of necessity and charity only excepted) he or she shall be fined in a sum not exceeding five dollars nor less than one dollar; *Provided*, the provisions of this section relating to public dancing shall

not apply to cities and villages in which public dancing is supervised and regulated by the municipal authorities, nor to rural territory in any county beyond the corporate limits of any city or village therein where public dancing is supervised and regulated by a special deputy sheriff, assigned by the sheriff of the county to such rural dance hall for the purpose of supervising the same. Such deputy sheriff, so assigned, shall give bond in the sum of three thousand dollars, such bond to run to the county, for the benefit of the county or any person, firm or corporation who may suffer injury or loss on account of the negligence or the unlawful act or acts of such deputy sheriff, and conditioned upon the faithful performance of his duties as supervisor of the rural dance hall to which he is assigned; and such deputy sheriff shall be paid a reasonable sum for his services of supervision or regulation by the proprietor of the rural dance hall to which he is assigned; *Provided*, that no deputy sheriff so assigned shall be the proprietor of such rural dance hall, his employee or relative, nor shall such deputy sheriff be any person financially interested, directly or indirectly in the operation of such rural dance hall. Nothing herein contained in relation to common labor on the day of the week commonly called Sunday, shall be construed to extend to those who conscientiously do observe the seventh day of the week on the Sabbath, nor prevent emigrating families from traveling, watermen from landing their passengers, and superintendents and helpers of toll bridges or toll gates from attending and superintending the same, or ferrymen from conveying travelers over the water, or persons moving their families on such days, or to prevent railway companies from running necessary trains. It shall be unlawful for any person over fourteen years of age to play baseball in a competitive game on Sunday in this state, except on the conditions following: In all cities and villages such games may be authorized by a vote of the majority of the electors of such city or village, voting at a general or special election for that purpose; and in the several counties of the state,

outside of the corporate limits of the cities and villages therein, such games may be authorized by the county board, and the authority therefor shall be in the form of a resolution duly passed by the county board. Any person over the age of fourteen years, who shall engage in playing baseball on Sunday in a competitive game, where authority therefor has not been granted as herein provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not to exceed twenty-five dollars for each and every offense; and shall stand committed until such fine and costs are paid.

Nevada

NEVADA REV. STAT. (1957) Sec. 201.260:

Sabbath breaking. Every person who, on a Sunday, shall promote or engage in any noisy or boisterous sport or amusement, which disturbs the peace of the day, or shall keep open any race grounds, shall be guilty of a misdemeanor.

New Hampshire

N. H. REV. STAT. ANN. c. 578, §§ 578.3-.13 (1955):

§ 578.3 *Sunday Work.* No person shall do any work, business, or labor of his secular calling, to the disturbance of others, on the first day of the week, commonly called the Lord's day, except works of necessity and mercy, and the making of necessary repairs upon mills and factories which could not be made otherwise without loss to operatives; and no person shall engage in any play, game, or sport on that day.

§ 578.4 *Sunday-Sales, etc.* No person shall keep his shop, warehouse, cellar, restaurant, or workshop open for the reception of company, or shall sell or expose for sale any merchandise whatever on the Lord's day; but this section shall not be construed to prevent the entertainment of

boarders, nor the sale of milk, bread, and other necessaries of life, nor of drugs and medicines.

§578.5 *Exceptions.* Nothing in this chapter shall prevent the selectmen of any town, or the city council of any city, from adopting by-laws and ordinances permitting and regulating retail business, plays, games, sports, and exhibitions on the Lord's Day, provided such by-laws and ordinances are approved by a majority vote of the legal voters present and voting at the next regular election. But no such by-laws or ordinances shall permit public dancing, horse racing, or prize fights at any time on the Lord's Day, or the games of baseball, hockey, or football, or any games, sports, or exhibitions of physical skill at which admission is charged or donations accepted, to be held earlier than one o'clock in the afternoon, or the opening of theatrical or vaudeville performances or motion pictures earlier than two o'clock in the afternoon.

§ 578.6 *Disturbing Services.* No person shall, on the Lord's day, within the walls of any house of public worship or near the same, behave rudely or indecently, either in the time of public service, or between the forenoon and afternoon services.

§ 578.10 *Penalty.* If any person shall be guilty of a breach of any provision of this chapter he shall be fined not more than ten dollars, or imprisoned not more than thirty days, or both, unless otherwise specially provided, and he may be required to give sureties to be of good behavior for one year.

§578.11 *Arrests.* Any person, upon view of any offense described in this chapter, may apprehend the offender, and bring him before a justice for trial.

578.13 *Limitation of Prosecution.* No prosecution for the violation of any provision of this chapter shall be sustained unless begun within thirty days after the commission of the offense.

New Jersey

N. J. REV. STAT. §§ 2A:171-1 to -12 (1953), as amended (Supp. 1959):

§ 2A:171-1. *Worldly employment or business prohibited*

No worldly employment or business, except works of necessity and charity, shall be performed or practiced by any person within this state on the Christian Sabbath, or first day of the week, commonly called and hereinafter designated as Sunday.

§ 2A:171-1.1 (Supp. 1959). *Buying, selling and trading motor vehicles on Sunday*

Any person who shall carry on or engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles; or who shall open any place of business or lot wherein he attempts to or does engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles; or who does buy, sell, exchange, deal or trade in new or used motor vehicles as a business on the first day of the week, commonly known and designated as Sunday is a disorderly person. Such a disorderly person upon conviction for the first offense shall pay a fine not to exceed $100.00 or be imprisoned for a period of not more than 10 days or both; and for the second offense shall pay a fine not to exceed $500.00 or be imprisoned for a period not more than 30 days or both; and for the third or each subsequent offense shall pay a fine of $750.00 or be imprisoned for a period of 6 months or both. If the person is a licensed dealer in new or used motor vehicles in this State, under the provisions of chapter 10, Title 39 of the Revised Statutes, such person shall also be subject to suspension or revocation of his dealer's license to engage in the business of buying, selling or dealing in motor vehicles in this State as provided in Title 39, chapter 10, section 20, for violation of this statute.

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§ 2A:171-2 (Supp. 1959). *Preparation and sale of foods and drugs permitted*

Nothing contained in this chapter shall be construed to prohibit the preparation and sale of drugs, meals, prepared food, perishable agricultural and horticultural products and nonalcoholic beverages on Sunday nor to apply to sales of alcoholic beverages which are otherwise subject to regulation under Title 33 of the Revised Statutes.

§ 2A:171-3. *Service of civil process prohibited; civil liability of server*

Except as otherwise provided by law, no person shall serve or execute, or cause to be served or executed, on Sunday, any writ, process, warrant, order or judgment, except in criminal cases or for breach of the peace. The service of every such writ, process, warrant, order or judgment shall be void, and the person so serving or executing it shall be as liable to the suit of the party grieved, and to answer damages to him for doing thereof, as if he had done the same without any writ, process, warrant, order or judgment.

§ 2A:171-4. *Immunity from prosecutions under certain circumstances and conditions*

If any person charged with having labored or worked on Sunday shall prove to the satisfaction of the court that he uniformly keeps the seventh day of the week as the Sabbath, habitually abstains on that day from following his usual occupation or business and from all recreation, and devotes the day to the exercise of religious worship, and if the work or labor for which such person is informed against was done and performed in his dwelling house or workship, or on his premises, and has not disturbed other persons in the observance of the first day of the week as the Sabbath, then the defendant shall be discharged. This section shall not be construed to allow any such person to openly expose to sale on Sunday any goods, wares, merchandise or other article or thing in the line of his business or occupation.

§ 2A:171-5. *Immunity from answering process and from performing certain duties*

Every inhabitant of this state who religiously observes the seventh day of the week as the Sabbath shall be exempt from answering to any judicial process, either as defendant, witness or juror, except in criminal cases, and from executing on that day the duties of any post or office to which he is appointed or commissioned, except when the interests of the state may absolutely require it; and he shall also be exempt from doing any militia duty on that day, except when in actual service.

§ 2A:171-5.1 (Supp. 1959). *Retail, wholesale or auction sale of certain articles on Sunday prohibited*

On the first day of the week, commonly known and designated as Sunday, it shall be unlawful for any person whether it be at retail, wholesale or by auction, to sell, attempt to sell or offer to sell or to engage in the business of selling, as hereinafter defined, clothing or wearing apparel, building and lumber supply materials, furniture, home or business or office furnishings, household, business or office appliances.

Any person who violates any provision of this act is a disorderly person and upon conviction for the first offense shall pay a fine of $25.00; and for the second offense shall pay a fine of $100.00; and for the third offense shall pay a fine of $200.00 or be imprisoned for a period of not more than 30 days or both; and for the fourth or each subsequent offense be imprisoned for a period of not less than 30 days nor more than 6 months. A single sale of an article of merchandise to any 1 customer or a single offer to sell an article of merchandise to any 1 prospective customer, shall be deemed to be and constitute a separate and distinct violation of this act.

§ 2A:171-5.2 (Supp. 1959). *Additional penalties; nuisance*

In addition to the penalties hereinabove provided in case of conviction under section 1 of this act [Section 2A:171-

5.1], upon any 4 convictions for violations of this act, the premises in or upon which the violation occurred shall be deemed a nuisance and the owners, tenants and occupants of such premises shall be liable for the penalties and additional penalties provided for the maintenance of nuisances as set forth in section 2A:130 et seq. of the New Jersey Statutes.

§ 2A:171-5.3 (Supp. 1959). *Definitions.* • • •

§ 2A:171-5.4 (Supp. 1959). *Construction of act as additional remedy; liability for acts of corporation*

This act shall be construed as an additional remedy to secure proper Sunday observance and the directors, officers, managers, agents or employees of corporations shall be personally liable for the penalties hereinabove provided as well as the stockholders and corporate owners of the business in respect to which violations occur.

§ 2A:171-5.5 (Supp. 1959). *Applicability to counties bordering ocean having less than 225,000 population*

The provisions of this act shall be inapplicable to counties bordering on the Atlantic ocean having a population of less than 225,000.

§ 2A:171-5.6. *Severability*

The provisions of this act shall not be severable and if any phrase, clause, sentence or provision of this act is declared unconstitutional or the applicability thereof to any person is held invalid, the remainder of this act and the act as a whole shall be unconstitutional.

§ 2A:171-5.7 (Supp. 1959). *Exclusion of invalid phrase, clause, section or part*

If any phrase, clause, section or part of this act shall be determined to be invalid in a court of competent jurisdiction, such part shall be excluded and the rest of the act shall be valid and effectual.

ARTICLE 1A (Supp. 1959) ACTS PROHIBITED: REFERENDUM

§ 2A:171-5.8. *Retail, wholesale or auction sale of certain articles on Sunday prohibited; violators as disorderly persons; penalties*

On the first day of the week, commonly known and designated as Sunday, it shall be unlawful for any person whether it be at retail, wholesale or by auction, to sell, attempt to sell or offer to sell or to engage in the business of selling, as hereinafter defined, clothing or wearing apparel, building and lumber supply materials, furniture, home or business or office furnishings, household, business or office appliances, except as works of necessity and charity or as isolated transactions not in the usual course of the business of the participants.

Any person who violates any provision of this act is a disorderly person and upon conviction for the first offense, shall pay a fine of $25.00; and for the second offense, shall pay a fine of not less than $25.00 or more than $100.00 to be fixed by the court; and for the third offense, shall pay a fine of not less than $100.00 or more than $200.00 to be fixed by the court or, in the discretion of the court, may be imprisoned for a period of not more than 30 days, or both; and for the fourth or each subsequent offense, shall pay a fine of not less than $200.00 or more than $500.00 to be fixed by the court or, in the discretion of the court, may be imprisoned for a period of not less than 30 days or more than 6 months, or both. A single sale of an article or articles of merchandise of the character hereinabove set forth to any 1 customer, or a single offer to sell an article or articles of such merchandise to any 1 prospective customer, shall be deemed to be and constitute a separate and distinct violation of this act.

§ 2A:171-5.9. *Additional penalties; nuisance*

In addition to the penalties hereinabove provided in case of conviction under section 1 of this act [Section 2A:171-5.8], upon any 4 convictions for violations of this act, the

premises in or upon which the violation occurred shall be deemed a nuisance.

§ 2A:171-5.10. *Definitions* * * *

§ 2A:171-5.11. *Additional remedy; liability of corporate officers and employees*

This act shall be construed as an additional remedy to secure proper Sunday observance and the directors, officers, managers, agents or employees of corporations shall be personally liable for the penalties hereinabove provided.

§ 2A:171-5.12. *Effective date; operative in counties upon adoption by voters; referendum*

This act shall take effect immediately but shall not become operative in any county unless and until the voters of the county shall determine by referendum held pursuant to this act that the same shall apply therein.

§ 2A:171-5.13. *Petition for county referendum* * * *

§ 2A:171-5.14. *Ballot; form of question* * * *

-5.15. *Majority vote* * * *

-5.15. *Resubmission of question after approval* * * *

-5.17. *Resubmission of question after defeat of proposal* * * *

-5.18. *Time for resubmission* * * *

ARTICLE 2 (1953). ACTS ALLOWED; REFERENDUM

§ 2A:171-6. *Certain occupations and recreations, sports and amusements allowed; municipal control and regulation*

Upon the adoption of this article by the legal voters as hereinafter provided, any person may, on Sunday: (a) print, publish and sell newspapers, (b) sell and deliver milk, (c) walk, ride or drive for recreation, (d) hire conveyances for riding and driving, or (e) engage or take part in any form of recreation, sport or amusement that is not unlawful on other days of the week, if in so doing such person does not disturb others in their observance of Sunday.

The governing body of a municipality or incorporated camp meeting association of this state may, however, adopt such ordinances or rules as it deems necessary and proper to control and regulate the conduct of the forms of recreation, sports or amusements made lawful by this section, and to control, regulate or restrict the commercialization of any such form or forms of recreation, sport or amusement, within its respective boundaries, and prescribe fines and penalties for their violation, which shall be enforced and collected in the same manner as is provided by law for the violation of other ordinances and rules of such municipality or association.

§ 2A:171-7. *Petition for submission; signatures; filing with municipal clerk; notice of submission* • • •

§ 2A:171-8. *Ballots; statement of question* • • •

§ 2A:171-9. *Special ballots for use at primary election by certain voters* • • •

§ 2A:171-10. *Deposit and counting of special ballots* • • •

§ 2A:171-11. *Return and canvass of ballots; declaration of result of election* • • •

§ 2A:171-12. *Adoption of question submitted* • • •

New Mexico

N. M. STAT. ANN. §§ 40-44-1 to -5 (1953):

§ 40-44-1. *Sunday—Hours designated.*—Sunday for the purpose of this article, shall be regarded as the time between 11:59 p.m. of Saturday and 12:00 p.m. Sunday.

§ 40-44-2. *Activities prohibited—Exceptions—Penalty.*—Any person or persons who shall be found on the first day of the week, called Sunday, engaged in any sports, or in horse racing, cock fighting, or in any other manner disturbing any worshipping assembly, or private family, or attending any public meeting, or public exhibition, excepting for religious worship or instruction, or engaged in any labor, except

works of necessity, charity or mercy, shall be punished by a fine not exceeding fifteen dollars [$15.00], nor less than five dollars [$5.00], or imprisonment in the county jail of not more than fifteen [15] days, nor less than five [5] days, in the discretion of the court upon conviction before any district court.

§ 40-44.3. *Exceptions—Labor allowed on Sunday—Limiting power of municipality.*—It shall be lawful in cases of necessity for farmers and gardeners to irrigate their lands and when necessary to preserve the same, to remove grain and other products from the fields on said day; and it shall be lawful for cooks, waiters and other employees of hotels and restaurants, and butchers and bakers to perform their duties on said day; and it shall be lawful for any person to operate any drug store, filling station, camp ground, news stand, picture show, garage, tire repairing shop, ice station, confectionery, soft drink stand, truck and stage line, and all works or enterprises of necessity on said day.

No municipality or the governing body thereof shall enact or enforce any ordinance in conflict with the provisions of this section.

§ 40-44.4. *Fees of state witnesses.* • • •

§ 40-44.5. *Prosecution for violation of Sunday laws.*—It is hereby made the duty of the attorney general and district attorneys, to prosecute offenders against the provisions of this article.

New York

N. Y. Penal Law §§ 2140-2152:

§ 2140. *The Sabbath*

The first day of the week being by general consent set apart for rest and religious uses, the law prohibits the doing on that day of certain acts hereinafter specified, which are serious interruptions of the repose and religious liberty of the community.

§ 2141. *Sabbath breaking*

A violation of the foregoing prohibition is Sabbath breaking.

§ 2142 (Supp. 1960). *Punishment for Sabbath breaking*

Sabbath breaking is a misdemeanor, punishable by a fine not less than five dollars and not more than ten dollars, or by imprisonment in a county jail not exceeding five days, or by both, but for a second or other offense, where the party shall have been previously convicted, it shall be punishable by a fine not less than ten dollars and not more than twenty dollars, or by imprisonment in a county jail not less than five nor more than twenty days, or both.

§ 2143. *Labor prohibited on Sunday*

All labor on Sunday is prohibited, excepting the works of necessity and charity. In works of necessity or charity is included whatever is needful during the day for the good order, health or comfort of the community.

§ 2144. *Persons observing another day as a Sabbath*

It is a sufficient defense to a prosecution for work or labor on the first day of the week that the defendant uniformly keeps another day of the week as holy time, and does not labor on that day, and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.

§ 2145 (Supp. 1959). *Public sports and exercises on Sunday*

All public sports, exercises or shows, upon the first day of the week, and all noise unreasonably disturbing the peace of the day are prohibited, except as hereinafter provided.

Notwithstanding the provisions of this section, it shall be lawful to conduct, witness, participate or engage in any form of public sports, exercises or shows which are conducted or engaged in primarily for the entertainment of spectators, not specifically prohibited by any provision of

law, on the first day of the week after two o'clock in the afternoon, to witness which the public is invited or an admission fee is charged, either directly or indirectly, in a city, town or village as shall be permitted by a local law or ordinance heretofore or hereafter adopted by the common council or other legislative body of the city, town or village permitting such public sports, exercises or shows on such day and after such hour.

Nothing herein contained shall be deemed to prohibit private sports, games or recreational activities which are engaged in primarily for the personal enjoyment, recreation and health of the participants, on the first day of the week, conducted in a manner which does not constitute a serious interruption of the repose or religious liberty of the community. As amended L. 1949, c. 655; L. 1952, c. 301, § 1, eff. March 28, 1952.

§ 2146. *Trades, manufactures, and mechanical employments prohibited on Sunday*

All trades, manufactures, agricultural or mechanical employments upon the first day of the week are prohibited, except that when the same are works of necessity they may be performed on that day in their usual and orderly manner, so as not to interfere with the repose and religious liberty of the community.

§ 2147 (Supp. 1959). *Public traffic on Sunday*

All manner of public selling or offering for sale of any property upon Sunday is prohibited, except as follows:

1. Articles of food may be sold, served, supplied and delivered at any time before ten o'clock in the morning;

2. Meals may be sold to be eaten on the premises where sold at any time of the day;

3. Caterers may serve meals to their patrons at any time of the day;

4. Prepared tobacco, bread, milk, eggs, ice, soda-water, fruit, flowers, confectionery, souvenirs, newspapers, magazines, gasoline, oil, tires, cemetery monuments, drugs, medicine and surgical instruments may be sold and may be delivered at any time of the day;

5. Grocers, delicatessen dealers and bakeries may sell, supply, serve and deliver cooked and prepared foods, between the hours of four o'clock in the afternoon and half past seven o'clock in the evening, in addition to the time provided for in subdivision one hereof, and, elsewhere than in cities and villages having a population of forty thousand or more, delicatessen dealers, bakeries and farmers' markets or roadside stands selling fresh vegetables and other farm produce, and fishing tackle and bait stores may sell, supply, serve and deliver merchandise usually sold by them, at any time of the day.

6. Persons, firms or corporations holding licenses and/or permits issued under the provisions of the alcoholic beverage control law permitting the sale of beer at retail, may sell such beverages at retail on Sunday before three antemeridian and after one postmeridian for off-premises consumption to persons making purchases at the licensed premises to be taken by them from the licensed premises.

The provisions of this section, however, shall not be construed to allow or permit the public sale or exposing for sale or delivery of uncooked flesh foods; or meats, fresh or salt, at any hour or time of the day. Delicatessen dealers shall not be considered as caterers within subdivision three hereof.

* * * * * * * * * * *

§ 2149. *Forfeiture of commodities exposed for sale on Sunday*

In addition to the penalty imposed by section twenty-one hundred and forty-two, all property and commodities exposed for sale on the first day of the week in violation of the provisions of this article shall be forfeited. Upon conviction of the offender by a justice of the peace of a county, or by

any police justice or magistrate, such officer shall issue a warrant for the seizure of the forfeited articles, which, when seized, shall be sold on one day's notice, and the proceeds paid to the overseers of the poor, for the use of the poor of the town or city.

§ 2150. *Maliciously serving process on Saturday on persons who keeps Saturday as holy time*

Whoever maliciously procures any process in a civil action to be served on Saturday, upon any person who keeps Saturday as holy time, and does not labor on that day, or serves upon him any process returnable on that day, or maliciously procures any civil action to which such person is a party to be adjourned to that day for trial, is guilty of a misdemeanor.

§ 2151 (Supp. 1959). *Processions and parades on Sunday*

All processions and parades on Sunday in any city, excepting only funeral processions for the actual burial of the dead, and processions to and from a place of worship in connection with a religious service there celebrated, are forbidden; and in such excepted cases there shall be no music, fireworks, discharge of cannon or firearms, or other disturbing noise. At a military funeral, or at the funeral of a United States soldier, sailor or marine, or of a national guardsman, or of a deceased member of an association of veteran soldiers, sailors or marines, or of a disbanded militia regiment, or of a secret fraternal society, or of an association of employees of the national, state, or municipal governments, music may be played while escorting the body; also in patriotic military processions on Sunday previous to Decoration day, known as Memorial Sunday, to cemeteries or other places where memorial services are held, and also by organizations of the national guard or naval militia or of an association of employees of the national, state, or municipal governments, attending religious service on Sunday; but in no case within one block of a place of worship where service is then being celebrated. Music may also be

played in any procession conducted by a religious organization or society in connection with a religious service or religious rally after one o'clock noon on Sunday.

Notwithstanding the provision of this section, it shall be lawful to conduct, witness, participate or engage in processions or parades and to play music in any such procession or parade on Sunday after two o'clock in the afternoon, in a city, town or village, as shall be permitted by a local law or ordinance heretofore or hereafter adopted by the common council or other legislative body of a city, town or village permitting such processions and parades on such day and after such hour. A person wilfully violating any provision of this section is punishable by a fine not exceeding twenty dollars or imprisonment not exceeding ten days, or by both.

§ 2152 (Supp. 1959). *Public entertainment on Sunday*

All legitimate theatrical performances, concert and recital dances, motion picture exhibitions, or other public exhibitions, exhibits, shows or entertainment on the first day of the week are prohibited, except as hereinafter provided.

Notwithstanding the provisions of this section, or of any general or local act, it shall be lawful to conduct or participate in any public entertainment on the first day of the week after two o'clock in the afternoon, to witness which the public is invited or an admission fee is charged, either directly or indirectly, in a city, town or village as shall be permitted, by a local law or ordinance heretofore or hereafter adopted by the common council or other legislative body of the city, town or village, permitting the same on such day and after such hour. If in any city, town or village concert or recital dances, motion pictures or legitimate theatrical productions are now exhibited on the first day of the week, they may continue to be so exhibited during such times as the exhibition of such dances, pictures, productions and performances shall not have been prohibited by a local law or ordinance heretofore or hereafter adopted by the common council or other legislative body of such city, town or village.

North Carolina

NORTH CAROLINA GEN STAT. (1958) § 103.2:

Hunting on Sunday.—If any person shall, except in defense of his own property, hunt on Sunday having with him a shot gun, rifle, or pistol, he shall be guilty of a misdemeanor and pay a fine not exceeding fifty dollars ($50.00) or imprisoned not exceeding thirty days.

North Dakota

N. D. REV. CODE §§ 12-2114 to -2122 (1943), as amended (Supp. 1957), as amended, N. D. Laws 1959, ch. 131, p. 237:

12-2114. *Day in "First Day of Week" Defined.* Under the term "day", as employed in the phrase "first day of the week", in the following section, is included all the time from midnight to midnight.

12-2115 (Supp. 1957). *Acts of Sabbath Breaking.* The first day of the week being by general consent set apart for rest and religious uses, the following acts are forbidden to be done on that day, the doing of any of which is Sabbath breaking:

1. Servile labor, except work of necessity and charity. The operation of steam railroads, street railways, telegraph and telephone systems, electric light, gas, heat and power systems, livery and feed barns, taxicabs, and busses, automobile garages and filling stations, bakeries, bootblack stands, popcorn stands, and newspaper plants shall be deemed works of necessity;

2. Public sports, including shooting, sporting horse racing, or other public sports, circuses, and street carnivals. This section shall not apply to baseball when authorized by the governing body of any municipality to be played within the territorial limits of such municipality or by the board of county commissioners when played outside the limits of cities or villages and when conducted in a quiet and orderly

manner so as not to interfere with the peace, repose, and comfort of the community and when played after one o'clock p.m. on the Sabbath day more than five hundred feet away from any church edifice;

3. Trades, manufactures, and mechanical employments;

4. All manner of public selling, or offering or exposing for sale publicly, of any commodity, except that meats and fish may be sold at any time before 10 o'clock a.m., and foods may be sold to be eaten upon the premises where sold, and drugs, medicines, surgical appliances, milk, ice cream and soda fountain dispensations, fruits, candy and confectionery, tobacco and cigars, newspapers and magazines may be sold at any time of the day. None of said articles or commodities shall be sold in any billiard hall, pool hall, bowling alley, saloon, or any other place where gaming of any kind is conducted unless said gaming is discontinued from 12 o'clock midnight on Saturday until 6 o'clock a.m. on Monday; and

5. Service of legal process of any description, except in cases of breach of the peace or apprehended breach of the peace, or when sued out for the apprehension of a person charged with crime, or when the service is specially authorized by law.

12-2116. *Sabbath Breaking; Punishment.* Every person guilty of Sabbath breaking shall be punished by a fine of not less than one dollar nor more than fifty dollars, or by imprisonment in the county jail for not less than one day nor more than twenty days, or by both such fine and imprisonment.

12-2117. *Servile Labor; Observing Other Day Defense.* It is a sufficient defense in prosecutions for performing servile labor on the first day of the week to show that the accused uniformly keeps another day of the week as holy time and does not labor upon that day, and that the labor complained of was done in such manner as not to interrupt or disturb

other persons in observing the first day of the week as holy time.

12-2118. *Maliciously Serving or Procuring Service of Process or Trial on Holy Day Misdemeanor.* Whoever maliciously procures any process in a civil action to be served on Saturday upon any person who keeps Saturday as holy time and does not labor on that day, or serves upon him any process returnable on that day, or maliciously procures any civil action to which such person is a party to be adjourned to that day for trial, is guilty of a misdemeanor.

12-2119. *Sunday Dances Prohibited; Punishment.* No person shall keep open, run, or permit the running of any place for public dancing, or permit the use of any place for public dancing between the hours of 12 o'clock midnight on Saturday and sunrise the following Monday morning. Any person violating the provisions of this section is guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five dollars nor more than fifty dollars for each offense.

12-2120 (as amended, N. D. Laws 1959, c. 131, p. 23). *Operation of Theaters and Movies on Sunday Lawful.* The operation of theaters showing motion pictures and other theatrical performances for profit or otherwise after 1.15 o'clock p.m. on Sunday is lawful.

12-2121. *Bowling Permitted on First Day of Week; When.* Any licensed bowling alley in the state may be operated from and after one o'clock p.m. on the first day of the week, and all necessary labor performed and service rendered in connection therewith is legal and lawful. Any municipality, by ordinance, may prohibit the operating of bowling alleys on the first day of the week.

12-2122. *Operating Bathhouses and Pleasure Boats on Sunday Lawful.* It shall be lawful for chautauqua associations, summer resorts, firms, corporations, and private persons to operate bathhouses, bathing beaches, or pleasure boats of all kinds on Sunday.

Ohio

OHIO REV. CODE ANN. (Page 1958), §§ 3773.23, -.24, -.26, -.99.

§ 3773.23. *Sunday prohibitions.*

No person shall, on Sunday, participate in or exhibit to the public with or without charge for admittance, in a building, room, ground, garden, or other place, a theatrical dramatic performance or an equestrian or circus performance of jugglers, acrobats, rope dancing, or sparring exhibition, variety show, negro minstrelsy, living statuary, ballooning, baseball playing in the forenoon, or exhibition of motion pictures in the forenoon. No person shall participate in keeping a low or disorderly house or resort, or sell, dispose of, or give away ale, beer, porter, or spirituous liquor in a building appendant or adjacent thereto, where such show, performance, or exhibition is given, or house or place is kept. Complaint must be filed under this section within twenty days after a violation thereof.

§ 3773.24 (Supp. 1959). *Transaction of business on Sunday; exceptions.*

No person, firm, or corporation shall engage in common labor or suffer or permit a building or place to be open for transaction of business, or require a person in his employ or under his control to engage in common labor or to open a building or place for the transaction of business on Sunday. In prosecutions under this section complaints shall be made within ten days after a violation.

This section does not apply to work of necessity or charity, and does not extend to persons who conscientiously observe the seventh day of the week as the sabbath, and abstain thereon from doing things prohibited on Sunday.

This section shall not apply to:

(A) Traveling or the providing of services and commodities incidental thereto;

(B) Recreation, sports, amusements, entertainment, or exhibitions or the providing of services and commodities incidental thereto;

(C) Fairs held under the authority of the state or a political subdivision, or independent fairs, or the providing of services and commodities incidental thereto;

(D) The operation of publicly owned places of entertainment, recreation, or education, by a public officer, concessionaire, exhibitor, or employees of all or any of the, or any other person, or the providing of services and commodities incidental thereto.

§ 3773.26. *Prohibition against having hunting implements on Sunday; exception.*

No person shall, in the open air on Sunday, have implements for hunting or shooting with intention to use them for that purpose. The use of hunting implements in trap shooting on Sunday afternoons when conducted under the auspices of a recognized hunt, trap shooting, rifle, or game club of this state, is permitted.

§3773.99 (Supp. 1959). *Penalties.*

* * *

(P) Whoever violates section 3773.23 of the Revised Code shall be fined not more than one hundred dollars or imprisoned not more than six months, or both.

(Q) Whoever violates section 3773.24 of the Revised Code shall be fined twenty-five dollars for a first offense; for each subsequent offense such person shall be fined not less than fifty nor more than one hundred dollars and imprisoned not less than five nor more than thirty days.

(R) Whoever violates section 3773.26 of the Revised Code shall be fined not less than twenty-five nor more than two hundred dollars.

Oklahoma

OKLA. STAT. ANN. tit. 21, §§ 907-11 (1958):

§ 907. *Sunday to be observed*

The first day of the week being by very general consent set apart for rest and religious uses, the law forbids to be done on that day certain acts deemed useless and serious interruptions of the repose and religious liberty of the community. Any violation of this prohibition is Sabbath-breaking.

§ 908. *Sabbath-breaking defined*

The following are the acts forbidden to be done on the first day of the week, the doing of any of which is Sabbath-breaking:

First. Servile labor, except works of necessity or charity.

Second. Trades, manufactures and mechanical employment.

Third. All shooting, horse racing or gaming.

Fourth. All manner of public selling, or offering or exposing for sale publicly, of any commodities, except that meats, bread, fish and all other foods may be sold at anytime, and except that food and drink may be sold to be eaten and drunk upon the premises where sold, and drugs, medicines, milk, ice and surgical appliances and burial appliances and all other necessities may be sold at anytime of the day.

§ 909. *Persons observing other day as holy*

It is a sufficient defense in proceedings for servile labor on the first day of the week, to show that the accused uniformly keeps another day of the week as holy time, and does not labor upon that day, and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.

* * * *

§ 911. *Punishment for Sabbath breaking*

Every person guilty of Sabbath breaking is punishable by a fine of not more than twenty-five dollars for each offense.

* * * * *

§ 918. (Supp. 1960) *Sale, barter or exchange of motor vehicles on Sunday prohibited—Activities exempt.*

No person, firm or corporation, whether owner, proprietor, agent or employee, shall keep open, operate or assist in keeping open or operating any place or premises or residences whether open or closed, for the purpose of selling, bartering, or exchanging, or offering for sale, barter or exchange, any motor vehicle or motor vehicles, whether new, used or second hand, on the first day of the week, commonly called Sunday; and provided, however that this Act shall not apply to the opening of an establishment or place of business on the first day of the week for other purposes, such as the sale of petroleum products, tires, automobile accessories, or for the purpose of operating and conducting a motor vehicle repair shop, or for the purpose of supplying such services as towing or wrecking.

Oregon

No comprehensive Sunday labor or closing law.

* * * *

Pennsylvania

PA. STAT. ANN. tit. 18, 4699.4, -.9, -.10 (1945), as amended (Supp. 1959).

§ 4699.4 (Supp. 1959). *Worldly employment or business on Sunday*

Whoever does or performs any worldly employment or business whatsoever on the Lord's day, commonly called Sunday (works of necessity, charity and wholesome recreation excepted), shall, upon conviction thereof in a summary

proceeding, be sentenced to pay a fine of four dollars ($4), for the use of the Commonwealth, or, in default of the payment thereof, shall suffer six (6) days' imprisonment.

As used in this section "wholesome recreation" shall mean golf, tennis, boating, swimming, bowling, basketball, picnicking, shooting at inanimate targets and similar healthful or recreational exercises and activities.

Nothing herein contained shall be construed to prohibit the dressing of victuals in private families, bake-houses, lodging-houses, inns and other houses of entertainment for the use of sojourners, travellers or strangers, or to prohibit the sale of newspapers, or to hinder watermen from landing their passengers, or ferrymen from carrying over the water travellers, or persons removing with their families on the Lord's day, commonly called Sunday, nor to the delivery of milk or the necessaries of life, before nine of the clock in the forenoon, nor after five of the clock in the afternoon of the same day. As amended 1959, Aug. 28, P.L. 777, § 1; 1959, Dec. 16, P.L. , No. 684, § 2.

§ 4699.4 (Supp. 1959). *Worldly employment or business on Sunday*[1]

Whoever does or performs any worldly employment or business whatsoever, on the Lord's day, commonly called Sunday (works of necessity and charity only excepted), or uses or practices any game, hunting, shooting, sport or diversion whatsoever on the same day not authorized by law, shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of four dollars ($4), for the use of the Commonwealth, or, in default of the payment thereof, shall suffer six (6) days' imprisonment.

Nothing herein contained shall be construed to prohibit the dressing of victuals in private families, bake-houses, lodging-houses, inns and other houses of entertainment for

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[1] This section was amended 3 times at the 1959 regular session. Two of the amendments did not refer to the other. Hence both amendments are set out.

the use of sojourners, travellers or strangers, or to hinder watermen from landing their passengers, or ferrymen from carrying over the water travellers, or work in connection with the rendering of service by a public utility as defined by the act of May 28, 1937 (P.L. 1053), known as the "Public Utility Law," or persons removing with their families on the Lord's day, commonly called Sunday, nor to the delivery of milk or the necessaries of life, before nine of the clock in the forenoon, nor after five of the clock in the afternoon of the same day. As amended 1959, Nov. 19, P.L. 1530, No. 540, § 1.

§ 4699.9. *Buying, selling, exchanging, trading, or otherwise dealing in motor vehicles and trailers on Sunday*

The term "motor vehicle", as used in this section, shall mean every self-propelled device, in, upon or by which any person or property is or may be transported or drawn on a public highway.

The term "trailer", as used in this section, shall mean every vehicle, without motor power, designed to carry property or passengers or designed and used exclusively for living quarters wholly on its own structure, and to be drawn by a motor vehicle.

Whoever engages in the business of buying, selling, exchanging, trading, or otherwise dealing in new or used, motor vehicles or trailers, on Sunday, shall, upon conviction thereof in a summary proceeding for the first offense, be sentenced to pay a fine of not exceeding one hundred dollars ($100), and for the second or any subsequent offense, committed within one year after conviction for the first offense, be sentenced to pay a fine of not exceeding two hundred dollars ($200) or undergo imprisonment not exceeding thirty days in default thereof.

Information charging violations of this section may be brought within seventy-two (72) hours after the commission of the alleged offense and not thereafter.

§ 4699.10. *Selling certain personal property on Sunday*

Whoever engages on Sunday in the business of selling, or sells or offers for sale, on such day, at retail, clothing and wearing apparel, clothing accessories, furniture, housewares, home, business or office furnishings, household, business or office appliances, hardware, tools, paints, building and lumber supply materials, jewelry, silverware, watches, clocks, luggage, musical instruments and recordings, or toys, excluding novelties and souvenirs, shall, upon conviction thereof in a summary proceeding for the first offense, be sentenced to pay a fine of not exceeding one hundred dollars ($100), and for the second or any subsequent offense committed within one year after conviction for the first offense, be sentenced to pay a fine of not exceeding two hundred dollars ($200) or undergo imprisonment not exceeding thirty days in default thereof.

Each separate sale or offer to sell shall constitute a separate offense.

Information charging violations of this section shall be brought within seventy-two hours after the commission of the alleged offense and not thereafter.

Rhode Island

R. I. GEN. LAWS (1956) Sec. 11-40-1 to -4:

Sec. 11-40-1. *Work or recreation on Sunday prohibited.*— Except as provided in § 5-22-6 to 5-22-11 [shows and amusements] inclusive, every person who shall do or exercise any labor or business or work of his ordinary calling, or use any game, sport, play or recreation on the first day of the week, or suffer the same to be done or used by his children, servants or apprentices, works of necessity and charity only excepted, shall be fined not exceeding five dollars ($5.00) for the first offense and ten dollars ($10.00) for the second and every subsequent offense; provided, further, however, that the above prohibitions shall not apply to any person or persons operating or functioning under a valid permit or license.

Sec. 11-40-2. *Employment of servants of others on Sunday.*—Every person who shall employ, improve, set to work or encourage the servant of any other person to commit any act named in § 11-40-1 shall suffer the like punishment.

Sec. 11-40-3. *Time of filing complaint.*—All complaints for violations of the provisions of §§ 11-40-1 and 11-40-2 shall be made within ten (10) days after the committing thereof and not afterwards.

Sec. 11-40-4. *Faiths observing other days as Sabbath.*—Every professor of the Sabbatarian faith or of the Jewish religion, and such others as shall be owned or acknowledged by any church or society of said respective professions as members of or as belonging to such church or society, shall be permitted to labor in their respective professions or vocations on the first day of the week, but the exception in this section contained shall not confer the liberty of opening shops or stores on the said day for the purpose of trade and merchandise, or lading, unlading or for fitting out of vessels, or of working at the smith's business or any other mechanical trade in any compact place, except the compact villages in Westerly and Hopkinton, or of drawing seines or fishing or fowling in any manner in public places and out of their own possessions; and in case any dispute shall arise respecting the person entitled to the benefit of this section, a certificate from a regular pastor or priest of any of the aforesaid churches or societies or from any three (3) of the standing members of such church or society, declaring the person claiming the exemption aforesaid to be a member of or owned by or belonging to such church or society, shall be received as conclusive evidence of the fact.

South Carolina

S. C. Code §§ 64-1 to -6 (1952), as amended:

§ 64-1. *Public sports prohibited on Sunday.*

No public sports or pastimes, such as bear-baiting, bull-baiting, football playing, horse-racing, interludes or com-

mon plays, or other games, exercises, sports or pastimes, such as hunting, shooting, chasing game or fishing, shall be used on Sunday by any person whatsoever. Every person offending in any of the premises shall, upon conviction, be guilty of a misdemeanor and be subject to a fine not to exceed fifty dollars or imprisonment not to exceed thirty days.

§ 64-2. *Penalty for working on Sunday.*

No tradesman, artificer, workman, laborer or other person whatsoever, shall do or exercise any worldly labor, business, or work of his ordinary calling upon Sunday or any part thereof, work of necessity or charity only excepted, and every person of the age of fifteen years or upwards offending in the premises shall, for every such offense, forfeit the sum of one dollar.

§ 64-3. *Requiring machine shop labor on Sunday prohibited.*

In addition to the penalties prescribed against tradesmen, artificers, workmen and laborers who shall do or exercise any worldly labor, business or work of their ordinary calling upon Sunday, or any part thereof, any person who shall order, require or direct any work to be done in any machine shop on Sunday, except in cases of emergency, shall be guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than one hundred dollars and not more than five hundred dollars for each offense.

§ 64-4 (Supp. 1959). *Employment in textile plants on Sunday.*

It shall be unlawful for any person owning, controlling or operating any textile manufacturing, finishing, dyeing, printing or processing plant to request, require or permit any regular employee to do, exercise or perform any of the usual or ordinary worldly labor or work in, of, about or connected with such employee's regular occupation or calling or any party thereof in or about such textile manufacturing, finishing, dyeing, printing or processing plant on

Sunday, work of absolute necessity or emergency and voluntary work in certain departments which is essential to offset or eliminate a processing bottleneck or to restore a balance in processing operations and maintain a normal production schedule excepted, and then only upon condition that such employee be paid on the basis of one and one-half the amount of the usual average day wage or salary earned by such employee during other days of the week. But this section shall not be construed to apply to watchmen, firemen and other maintenance and custodial employees. The term "*regular employee*" as used in this section shall be construed to mean any person who usually or ordinarily works as much as eight hours per week or more in any such textile manufacturing, finishing, dyeing, printing or processing plant, whether employed and paid by the job, by the piece, by the hour or on a salary basis. Any person violating any of the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars.

§ 64-4.1 (Supp. 1959). *Same; during times of national emergency in plants producing goods for defense.*

During times of national emergency the Commissioner of Labor shall issue permits to industries regulated by § 64-4 permitting such industries to operate on Sunday when sufficient proof is furnished to the Commissioner that the industries are engaged in producing or processing goods for national defense purposes and under government contract. But no employee shall be required to work on Sunday who is conscientiously opposed to Sunday work and if any employee should refuse to work on Sunday on account of conscientious or physical objections he shall not jeopardize his seniority rights by such refusal or be discriminated against in any other manner. Nothing herein contained shall be taken to authorize the production or processing on Sunday of goods other than those being produced or processed for national defense purposes under government contract.

§ 64-5 (Supp. 1959). *Employment of children or women in mercantile or manufacturing establishments on Sunday.*

It shall be unlawful for any person to employ, require or permit the employment of women or children to work or labor in any mercantile establishment or manufacturing establishment on Sunday except that women shall be permitted to work on Sunday during times of national emergency when they are employed by industries engaged in producing or processing goods for national defense and under government contracts in the same manner and under the same conditions as otherwise provided by law. But no woman shall be permitted to work in the manner herein provided unless and until the industries engaged in producing goods for national defense purposes and under government contract have first submitted to the Department of Labor proof sufficient to establish their national defense status, whereupon the Commissioner of Labor is directed to issue a permit authorizing the employment of women on Sunday, subject, however, to other conditions and circumstances provided by law. But no employee shall be required to work on Sunday who is conscientiously opposed to Sunday work and if any employee should refuse to work on Sunday on account of conscientious or physical objections he shall not jeopardize his seniority rights by such refusal or be discriminated against in any other manner. This section shall not apply to those manufacturing establishments described in § 64-6.

§ 64-5.1 (Supp. 1959). *Exemption of textile plants in Bennettsville; hours of work, etc.*

The provisions of §§ 64-2 to 64-5 shall not apply to textile manufacturing establishments or employees thereof in any city having an exact population of five thousand one hundred and forty, according to the latest official United States census. But no textile manufacturing establishment or its employees shall commence operation or begin a work day or work shift before the hour of ten o'clock p.m. on any Sun-

day. Under this section a work week in excess of forty hours and a work day in excess of eight hours shall not be permissible except when the provisions of the Fair Labor Standards Act are complied with.

§ 64.6. *Exceptions for chemical plants requiring continuous operation.*

The provisions of §§ 64-2 to 64-5 shall not apply to manufacturing establishments or employees thereof when such establishments in the nature of their business involve chemical manufacturing processes requiring, of necessity, for a normal production schedule continuous and uninterrupted operation. In such industries a work week in excess of forty hours and a work day in excess of eight hours shall not be permissible except when the provisions of the Fair Labor Standards Act are complied with. The exemption herein provided shall not apply to or affect cotton, woolen or worsted manufacturing, finishing, dyeing, printing or processing plants and such plants and industries shall be controlled by § 64-4.

South Dakota

S. D. Code §§ 13.1709 to .1711 (1939):

13.1709. *Sabbath breaking: defined; applied; penalty.* The first day of the week being by very general consent set apart for rest and religious uses, the law forbids to be done on that day certain acts deemed useless, and serious interruptions of the repose and religious liberty of the community. The term "day" as used herein includes the time from midnight to midnight. The following acts are forbidden to be done on the first day of the week, the doing of any of which is Sabbath breaking:

(1) Servile labor, excepting works of necessity or charity;

(2) Trades, manufactures, and mechanical employments;

(3) All manner of public selling or offering or exposing for sale publicly of any commodities, except that meats,

milk, and fish may be sold at any time before nine o'clock in the morning, and except that food may be sold to be eaten on the premises where sold, and drugs and medicines and surgical appliances may be sold at any time of the day;

(4) All shooting, sporting, horse racing, gaming, or other public sport;

(5) All service of legal process of any description, except in cases of breach of the peace or apprehended breach of the peace or when sued out for the apprehension of a person charged with crime or except where such service shall be specially authorized by law.

Every person guilty of Sabbath breaking is punishable by a fine of not more than ten dollars for each offense.

13.1710. *Servile labor by persons observing other days as Sabbath, permitted; regulation.* It is a sufficient defense in proceedings for servile labor on the first day of the week to show that the accused uniformly keeps another day of the week as holy time and does not labor upon that day and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.

13.1711. *Malicious service process or forcing trial on Saturday against person keeping such day as Sunday; penalty.* Whoever maliciously procures any process in a civil action to be served on Saturday upon any person who keeps Saturday as holy time and does not labor on that day or serves upon him any process returnable on that day, or maliciously procures any civil action to which such person is a party to be adjourned to that day for trial is guilty of a misdemeanor.

Tennessee

TENN. CODE ANN. §§ 39-4001 to -4003 (1955):

39-4001. *Working on or permitting work on Sunday—Penalty.*—If any person shall be guilty of exercising any of the common vocations of life, or of causing or permitting

the same to be done by his children or servants, acts of real necessity or charity excepted, on Sunday, he shall, on due conviction thereof before any justice of the peace of the county, forfeit and pay ten dollars ($10.00), one-half (½) to the person who will sue for the same, the other half (½) for the use of the county.

39-4002. *Hunting on Sunday.*—Any person who shall hunt on Sunday, shall be subject to the same proceedings, and liable to the same penalties, as those who work on the Sabbath.

39-4003. *Barbering on Sunday—Misdemeanor.*—It shall be a misdemeanor for any person to carry on the business of barbering on Sunday; and any person found guilty of violating this section shall be fined not less than twenty-five dollars ($25.00) nor more than fifty dollars ($50.00), or imprisoned in the county jail not less than fifteen (15) days nor more than thirty (30) days, or both, in the discretion of the court.

Texas

TEX. PEN. CODE ANN., p. 2, Art. 283 to 287 (1952):

Article 283. *Working on Sunday*

Any person who shall labor, or compel, force, or oblige his employes, workmen, or apprentices to labor on Sunday, or any person who shall hunt game of any kind whatsoever on Sunday within one-half mile of any church, school house, or private residence, shall be fined not less than ten nor more than fifty dollars.

Art. 284. *Not applicable*

The preceding article shall not apply to household duties, works of necessity or charity; nor to necessary work on farms or plantations in order to prevent the loss of any crop; nor to the running of steamboats and other water crafts, rail cars, wagon trains, common carriers, nor to the

delivery of goods by them or the receiving or storing of said goods by the parties or their agents to whom said goods are delivered; nor to stages carrying the United States mail or passengers; nor to foundries, sugar mills, or herders who have a herd of stock actually gathered and under herd; nor to persons traveling; nor to ferrymen or keepers of toll bridges, keepers of hotels, boarding houses and restaurants and their servants; nor to keepers of livery stables and their servants; nor to any person who conscientiously believes that the seventh or any other day of the week ought to be observed as the Sabbath, and who actually refrains from business and labor on that day for religious reasons.

Art. 285. *Horse racing or gaming on Sunday*

Any person who shall run or be engaged in running any horse race, or who shall permit or allow the use of any nine or ten pin alley, or who shall be engaged in match shooting or any species of gaming for money or other consideration, within the limits of any city or town on Sunday, shall be fined not less than twenty nor more than fifty dollars.

Art. 286. *Selling goods on Sunday*

Any merchant, grocer, or dealer in wares or merchandise, or trader in any business whatsoever, or the proprietor of any place of public amusement, or the agent or employee of any such person, who shall sell, barter, or permit his place of business or place of public amusement to be open for the purpose of traffic or public amusement on Sunday, shall be fined not less than twenty nor more than fifty dollars. The term place of public amusement, shall be construed to mean circuses, theaters, variety theaters and such other amusements as are exhibited and for which an admission fee is charged; and shall also include dances at disorderly houses, low dives and places of like character, with or without fees for admission.

Art. 287. *Permitting sale of certain articles on Sunday; regulations as to motion picture shows*

The preceding Article shall not apply to markets or dealers in provisions as to sales of provisions made by them before nine o'clock A.M., nor to the sales of burial or shrouding material, newspapers, ice, ice cream, milk, nor to any sending of telegraph or telephone messages at any hour of the day or night, nor to keepers of drug stores, hotels, boarding houses, restaurants, livery stables, bath houses, or ice dealers, nor to telegraph or telephone offices, nor to sales of gasoline, or other motor fuel, nor to vehicle lubricants, nor to motion picture shows, or theatres operated in any incorporated city or town, after one o'clock P.M.

Sec. 2. The Commissioners or City Council of the towns or cities in which said motion picture shows or theatres are located shall have the right and power by proper ordinance to prohibit or regulate the keeping open or showing of such motion picture shows or theatres on Sunday.

Utah

UTAH CODE ANN. §§ 76-55-1 to -4 (1953):[1]

76-55-1. *Transacting business—Penalty.*—Every person who keeps open on Sunday any store, worksh p, banking house, or other place of business for the purpose of transacting business therein, is punishable by a fine not less than $5 nor more than $100.

76-55-2. *Exemptions.*—The provisions of the preceding section do not apply to persons who keep open hotels, boarding houses, baths, restaurants, bakeries, taverns, livery stables, garages, automotive service stations, golf courses, bowling alleys, ball parks, theatres, bathing resorts, ice stations, news stands, skating rinks, confectionery stores for the sale of confections only, tobacco stores for the sale

[1] Held unconstitutional because unreasonably discriminatory, *Broadbent v. Gibson*, 105 Utah 53, 140 P. 2d 939.

of tobacco, pharmacies, or the prescription counters of retail drug stores on Sunday, for the legitimate business of each, or such industries as are usually kept in continuous operation.

76-55-4. *"Sunday" defined.*—For the purpose of this chapter, Sunday shall commence at midnight Saturday and terminate the following midnight.

Vermont

VT. STAT. tit. 13, §§ 3301-08 (1958):

§ 3301. *Sunday business and entertainment*

A person shall not, between twelve o'clock Saturday night and twelve o'clock the following Sunday night, exercise any secular business or employment, except works of necessity and charity, nor engage in any dance, nor shall a person operate, promote or engage in any play, game, sport or entertainment, except winter sports, tennis or golf, during such hours which disturbs the public peace or for which any compensation is received, directly or indirectly.

§ 3302. *Town vote to permit certain entertainment*

However, the legal voters of a town, at an annual meeting duly warned for that purpose may, by majority vote of the legal voters present and voting, permit the conducting of basketball, football, baseball, moving pictures, lectures or concerts in such municipality on Sunday until June 1 following the annual meeting at which the voters of such town vote otherwise. If such vote permits such entertainment, a person, company or corporation may receive compensation for and charge admission to the same. However, basketball, football, baseball, moving pictures, roller skating, lectures and concerts shall not commence until two o'clock in the afternoon.

§ 3304. *Subsequent warnings; form of ballots*
§ 3306. *Violations—Penalties*

* * * *

A person who violates a provision of sections 3301-3305 of this title shall be fined not more than $200.00 for each offense.

§ 3307. *Jurisdiction*

Justices of the peace shall have concurrent jurisdiction with county and municipal courts of offenses arising under sections 3301-3306 of this title.

§ 3308. *Running of trains on Sunday*

The public service commission may authorize the running upon any railroad of such through trains on Sunday as, in the opinion of such board, the public necessity and convenience may require, having regard to the due observance of the day.

Virginia

VA. CODE ANN. 18.1-358 to -363 (1960 Supp.):

§ 18.1-358. *Working or transacting business on Sunday.*— On the first day of the week, commonly known and designated as Sunday, it shall be unlawful for any person to engage in work, labor or business or to employ others to engage in work, labor or business except in household or other work of necessity or charity. The exemption for works of necessity or charity contained in the preceding sentence shall not be deemed to include selling at retail or wholesale or by auction, or offering or attempting to sell, on Sunday, any of the following: jewelry; precious and semi-precious stones; silverware; watches; clocks; luggage; musical instruments; recordings; toys (excluding items customarily sold as novelties and souvenirs); clothing and wearing apparel; clothing accessories; footwear; textile yard goods; housewares; china; kitchenware; home, business, office or outdoor furniture, furnishings and appliances; sporting goods (excluding sales or rental of bathing, boating, and fishing paraphernalia and equipment, and sales or rental on the premises where sports, athletic events or recreational

facilities are located or conducted of equipment essential to the normal use or operation of such premises for the purposes specified); pets, pet equipment or supplies; cameras and photographic supplies (excluding film and flash bulbs); hardware; tools; paints; building and lumber supplies and materials; motor vehicles; trailers (excluding mobile homes); farm implements; lawn and garden equipment and supplies; farm produce (excluding sales of farm produce grown by the seller and sold at roadside stands or at the place where grown) or fresh, frozen or salt meats, poultry or seafood customarily inedible without further cooking or preparation (excluding smoked or cured hams). No inference shall arise from the foregoing enumeration of classes of personal property that sales or offers or attempts to sell other classes of personal property not mentioned are included within the above exemption for works of necessity or charity. This section shall not apply to furnaces, kilns, plants, wholesale food warehouses, ship chandleries, and other business of like kind that may be necessary to be conducted on Sunday, nor to the publication, distribution and sale of newspapers or magazines, nor to the sale of motor fuels or oils, repair parts or accessories for immediate necessary use in connection with motor vehicles, boats or aircraft, nor to the operation of motion picture theatres, nor to sports, athletic events, scenic, historic and recreational and amusement facilities.

§ 18.1-358.1. *Punishment for violation.*—Any person violating the provisions of § 18.1-358 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than one hundred dollars for the first offense and not more than two hundred dollars for the second or any subsequent offense occuring within one year after conviction of the first offense, or in default thereof shall be confined in jail for not exceeding thirty days. In addition, the court in which any judgment of conviction is rendered may require of the person so convicted a recognizance in a penalty of not less than five hundred or more than five thousand

dollars, with or without security, conditioned that such person shall be of good behavior, and especially shall refrain from a repetition of such offense for a period not exceeding twelve months. Each separate sale, offer or attempt to sell on Sunday the classes of personal property enumerated in § 18.1-358, and each Sunday a person is engaged in other work, labor or business in violation of § 18.1-358, or employs others to be so engaged, shall constitute a separate offense.

§ 18.1-358.2. *Continued violations deemed a nuisance.*—In addition to the penalties upon conviction of violations hereinabove provided, the premises in or upon which the violations occurred shall be deemed a nuisance after any four violations of § 18.1-358 occurring within any period of twelve months have resulted in convictions.

§ 18.1-359. *Observance of Saturday.*—The penalties imposed by §§ 18.1-358.1 and 18.1-358.2 shall not be incurred by any person who conscientiously believes that the seventh day of the week ought to be observed as a Sabbath, and actually refrains from all secular business and labor on that day, provided he does not compel an apprentice or servant, not of his belief, to do secular work or business on a Sunday.

§ 18.1-360. *What transportation, etc., by railroads on Sunday prohibited.*—No railroad company, receiver, or trustee, controlling or operating a railroad, shall, by any agent or employee, load, unload, run or transport upon such road on a Sunday, any car, train of cars or locomotive, nor permit the same to be done by any such agent or employee, except:

[Specified operations]

§ 18.1-361. *What time the word "Sunday" in preceding sections embraces.*—The word "Sunday" as used in the preceding section shall be construed to embrace only that portion of the day between sunrise and sunset; and trains in transit having started prior to twelve o'clock on Saturday night, may, in order to reach the terminus or shops of the

railroad, run until nine o'clock the following Sunday morning, but not later.

§ 18.1-362. *Violations of section 18.1-360.*—Any railroad company, receiver, or trustee violating the provisions of § 18.1-360 shall be deemed to have committed a separate offense in each county or corporation in which such car, train of cars, or locomotive shall run, or in which such car or train of cars shall be loaded or unloaded; and shall be fined not less than fifty nor more than one hundred dollars for each offense.

§ 18.1-363. *To prohibit the loading and unloading of steamships on Sunday.*—No steamboat company shall by any agent or employee load or unload on a Sunday any steamship or steamboat arriving at any port or landing on the bays, rivers, or other waters of this State or permit the same to be done by any such agent or employee except when such steamship or steamboat is for the transportation

[of passengers and specified articles]

Washington

WASH. REV. CODE c. 9.76 (1956):

9.76.010. *Defined.* Every person who, on the first day of the week, shall promote any noisy or boisterous sport or amusement, disturbing the peace of the day; or who shall conduct or carry on, or perform or employ any labor about any trade or manufacture, except livery stables, garages and works of necessity or charity conducted in an orderly manner so as not to interfere with the repose and religious liberty of the community; or who shall open any drinking saloon, or sell, offer or expose for sale, any personal property, shall be guilty of a misdemeanor: *Provided,* That meals, without intoxicating liquors, may be served on the premises or elsewhere by caterers, and prepared tobacco, milk, fruit, confectionery, newspapers, magazines, medical and surgical appliances may be sold in a quiet and orderly manner. In

works of necessity or charity is included whatever is needful during the day for the good order or health or comfort of a community; but keeping open a barber shop, shaving or cutting hair shall not be deemed a work of necessity or charity, and nothing in this section shall be construed to permit the sale of uncooked meats, groceries, clothing, boots or shoes.

9.76.020. *Observance of other day.* It shall be a sufficient defense to a prosecution for performing work or labor on the first day of the week that the defendant uniformly keeps another day of the week as holy time and that the act complained of was done in such manner as [will] not disturb others in the observance of the sabbath.

9.76.030. *Service of process on the sabbath prohibited.* Every person who shall serve any legal process on the sabbath day, except in case of a breach, or apprehended breach, of the peace, or when sued out for the apprehension of a person charged with a crime, or where such service is expressly authorized by statute, shall be guilty of a misdemeanor.

West Virginia

W. VA. CODE ANN. §§ 6072-73 (1955), as amended (Supp. 1959):

§ 6072. *Labor on Sabbath Day; Shooting or Carrying Firearms on Same; Penalty.*—If any person, on a Sabbath day, be found laboring at any trade or calling, or employ his minor children, apprentices or servants in labor or other business, except in household or other work of necessity or charity, he shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than fifteen dollars for each offense; and every day any such minor child, servant or apprentice is so employed shall constitute a separate and distinct offense. Any person found shooting or carrying firearms on the Sabbath day shall be guilty of a misdemean-

or, and, upon conviction, shall be fined not less than ten dollars.

§ 6073 (1959 Supp.). *Limitation of Preceding Section; Contract Made on Sabbath Day Valid.*—No forfeiture shall be incurred or conviction had under the preceding section for the transportation on the Sabbath day of the mail, or of passengers and their baggage carried by any mode of public conveyance, or for running any railroad train, traction car or system, automobile or other motor car carrying passengers for pleasure or hire, steamboat or other boat used in carrying passengers or freight, garages, gasoline service stations, manufacturing establishments, or any of their employees where the processes of said manufacture require continuous operation and where said employees are on rotating shift schedules, on the Sabbath day, or for the operation of, or labor in, grocery stores or other similar establishments engaged primarily in the sale of food products for human consumption: Provided, however, that no such establishment located within three hundred feet of a church shall remain open for business on the Sabbath day during the customary hours for morning and evening worship in such church, or for carrying firearms or shooting on that day, by any person having the right so to do under the laws of the United States or of this state; and no forfeiture shall be incurred or conviction had under the preceding section by or of any person who conscientiously believes that the seventh day of the week ought to be observed as the Sabbath and actually refrains from all secular business and labor on that day, provided he does not compel any apprentice or servant not of his belief to do secular work or business on Sunday, and does not on that day disturb any other person in his observance of the same. No contract shall be deemed void because it is made on the Sabbath day.

Wisconsin

No comprehensive Sunday labor or closing law.

Wyoming

WYO. COMP. STAT. ANN. § 15-160 (12) (1957) (local option):

§ 15-160. *Specific corporate powers.*—The town council of any such town, in its corporate capacity, shall have the following powers:

Twelfth.—Public peace and safety. To prevent and restrain riots, routs, noises, disturbances or disorderly assemblies in any street, house or place in the town; to regulate, punish and prevent a discharge of firearms, rockets, powder, fireworks or any other dangerously combustible material, in the streets, lots, grounds, alleys, or about or in the vicinity of any buildings; to regulate and punish the carrying of concealed weapons; to arrest, regulate, punish, fine or set to work all vagrants and persons found in said town without visible means of support or some legitimate business; to close all places of business on the Sabbath day, commonly called Sunday; and to prohibit and suppress the sale of spirituous and intoxicating liquors on any day of municipal, county or state election.

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October Term, 1960

No. 11

RAYMOND P. GALLAGHER, Chief of Police of the City of Springfield, Massachusetts, *et al.*,

Appellants,

against

CROWN KOSHER SUPER MARKET OF MASSACHUSETTS, INC., *et al.*,

Appellees.

BRIEF OF AMERICAN JEWISH COMMITTEE and ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH *AMICI CURIAE*

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